

European Judges and Public Prosecutors for Democracy and Fundamental Rights

In 1985 ten national associations of judges and public prosecutors of six Member States of the European Community, with the support of the European Parliament, established a European association known as "Magistrats européens pour la Démocratie et les Libertés" - MEDEL – "European Judges and Public Prosecutors for Democracy and Fundamental Rights". From the outset associations of both judges and public prosecutors were members of MEDEL.

The idea of establishing a European association of judges and public prosecutors has its origins in international seminars held at the Ecole Nationale de la Magistrature in Bordeaux and a 1983 colloquium on "*Justice and Democracy in Europe*", organised by the Syndicat de la Magistrature (France) and by the Law Faculty of the University of Lille (France), the papers presented at which have been published under the title "*Etre juge demain*" ("Tomorrow's Judges").

In 2006 MEDEL had around 15,000 members from 15 national associations of judges and public prosecutors in eleven EU Member States:

- In Germany – *Vereinigte Dienstleistungsgewerkschaft VER.DI* [Fachausschuss Richter und Staatsanwälte] and *Neue Richtervereinigung NRV*,
- In Belgium – *Association syndicale des Magistrats ASM*,
- In Cyprus – *Cyprus' Judges Association* ,
- In Spain – *Jueces para la democracia* and *Unión progresista de Fiscales*,
- In France – *Syndicat de la Magistrature*,
- In Greece – *Eteria Elinon Dikastikon Litourgon Gia ti Demokratia ke tis Eleftheries*,
- In Italy – *Magistratura democratica (Md)* , and *Movimento per la Giustizia*,
- In Poland – *Polish Association of Judges "Iustitia"* et *Association of Public Prosecutors of Poland*,
- In Portugal – *Associação Sindical dos Juizes Portugueses (ASJP)* and *Sindicato dos Magistrados do Ministerio Público (SMMP)*,
- In the Czech Republic – *Soudcovska Unie České Republiky* and *Unie statnich zastupcu Česke republiky*,
- In Romania - *Uniunea Națională a Judecătorilor din România*

Judges from other European countries are members on an individual basis.

Administrative Council and Board

MEDEL's Administrative Council provides information and coordinates the affiliated associations. It takes decisions on political and organisational matters. The Council is composed of four delegates from each member country. It meets three or four times a year in different European cities to allow to the magistrates of the host countries to participate in the debates.

The Board is composed of seven members, elected by the Administrative Council for a renewable term of two years.

Board elected in 2007:

- Chairman: Vito MONNETTI, deputy public prosecutor at the Cour de Cassation in Rome, (MD)
- Vice President: Eric ALT, Referendary Counsellor at the Cour de Cassation in Paris, (SM)
- Treasurer: Ignacio U. GONZALES-VEGA, judge, head of the department for training, General Council of the Judiciary, Madrid (JpD)
- Antonio CLUNY, deputy public prosecutor at the Court of Auditors (Tribunal de Contas), president of the Portuguese union of public prosecutors (SMMP)
- Ludmila KRISLOVA, judge in Prague (Association of Czech judges)
- Dana CIGAN, judge at the Oradea Appeal Court (UNJR)
- Stavros MANTAKIOZIDIS, prosecutor at the Athens Appeal Court, Greece

Secretary General: Christian LANGE

The aims of MEDEL are as follows:

- Protection of judicial independence, unconditional respect for the values of democracy and the Rule of law,
- Promotion of the European democratic legal culture
- Democratisation of the judiciary,
- Freedom of expression, meeting and association for judges and public prosecutors,
- Respect for the rights and freedoms of minorities and divergent groups, in particular the rights of immigrants and of the most impoverished, with a view to social emancipation of the weakest.

MEDEL campaigns for **a transparent and accessible judiciary** whose activities and decisions are understood and accepted by citizens.

In its Declaration of Palermo (1993), MEDEL laid the foundations for **a European Statute of the Judiciary**. Today, many of the principles of that Declaration are enshrined in the European Charter on the Statute of Judges. In 1996 a *Declaration on the Principles of Public Prosecution* was adopted in Naples.

The associations affiliated with MEDEL represent judges as well as public prosecutors: indeed it is the responsibility of both groups to commit to the same values. MEDEL represents a judiciary striving in particular to give effect to those values enshrined in the European Convention on Human Rights.

MEDEL is also involved in **developing a European Area of Justice** and will contribute to the debates on justice in Europe, as an expression of genuine pluralism within the European judiciary.

Colloquia and Seminars

MEDEL carries out essential work on the judiciary and its professional practices. It offers an arena for the exchange of opinions and debates and allows bridges to be built between the judiciaries of the various European States. The regular meetings of its Administrative Council offer opportunities for the members of that Council to meet magistrates from the host country in order to discuss specific topics.

Public debates amongst judges and public prosecutors throughout the European Union and its Member States contribute to the development of European legal cooperation, based on evaluation of best national practice. MEDEL is also involved in joint training programmes for judges and public prosecutors of Member States, twinning and trans-national exchange programmes, which reinforce mutual trust between judiciaries of Member States.

In particular, MEDEL has organised the following colloquia:

On Judicial Organisation:

- The conference on **Independence of the Judiciary in a Europe of Transitions** (Popovo, 1991) was the first meeting held in Eastern Europe after the fall of the Berlin Wall, with a view to integrating those judges' organisations that had been created in the new democratic states into MEDEL; That experience was continued in a seminar on **Reform of the Serbian Judiciary from a European perspective** (Belgrade 2003) and particularly during a colloquium on **Judicial Independence in the face of challenges of democratic transition** (Belgrade, June 2007), in which judges from all of the former Yugoslavian countries participated;
- The conference on **Independence of the Judiciary - an obligation not a privilege** (Prague, May 1993) was the occasion for the adoption of **elements of a European statute of judges**, placing MEDEL at the forefront of school of thought that, in the context of the Council of Europe, led to the adoption of the 1994 recommendation on independence, efficiency and the role of judges, and of the European Charter on the statute for judges in 1999;
- The conference on the **statute for public prosecutors** (Naples 1996) gave rise to the adoption of a declaration of principles for public prosecutors, asserting the autonomy of public prosecutors, to ensure the independence of the judicial power and equality before the law. This has been followed up in subsequent sessions in Belgium (**Public Prosecutors or the Secrets of the Great Pyramid**, Louvain-la-Neuve, December 1996) and Romania (**Public Prosecutors, Democracy and the Rule of Law**, Bucharest, September 2007);
- Exchanges on **Managing the Judiciary in Mediterranean Countries** (Paris, June 2002) allowed us to think about the role of MEDEL in a Mediterranean context, together with the Euro-Mediterranean Network of Human Rights;
- The debate on **Ethics of Judges and Public Prosecutors, Proposals for Codes of Practice and the Statute of the Judiciary** was initiated during a colloquium on that subject in Bremen in March 2004 and was followed-up during the meeting on **Judges Liability** in Prague in June 2006;

- **Justice and the Media** was the subject of a seminar held in Krakow in September 2005; the exchanges on this subject will be continued in Bucharest in June 2008;
- Finally, the colloquium for **a new civil justice. The crisis of efficiency for European justice**, (Paris, January 1999), organised in Senate, initiated discussion on the quality and efficiency of the judicature; in the same context the exchanges on the **modernisation of justice** (Lübeck, October 2007), the aim of which was to facilitate MEDEL's involvement in the work of the European Commission for the Efficiency of Justice (ECEJ); a seminar on this topic will be organised in 2008 (**Evaluation of the Quality of Justice**, Palermo, February 2008).

On the training of judges and public prosecutors

- The colloquium on **Professional Training for Judges and Public Prosecutors** (Trieste, June 1991), organised in collaboration with Trieste University, highlighted the importance of the contribution of judges' associations in cultivating a European judicial culture; this discussion was continued in Madrid in 1998 (**Is there a common European judicial culture?**), in Lisbon in 1999 (**The role of associations and unions in the training of judges and public prosecutors**), in Prague in 2003 (**Continuing training of judges and public prosecutors in Europe**), in Porto in 2004 (in the context of a common session with judges from Latin America) and in Rome on 20 May 2005, during the colloquium to mark the 20th anniversary of MEDEL.
- The colloquium on **The principles established in the European Charter of Fundamental Rights**, (Rome, April 2006) was extended by the creation of the Observatory on the Respect of Fundamental Rights in Italy.

On immigration and asylum:

- The conference on **the law on immigration** (Lübeck, October 1986) represented one of the marks of achievement of one of MEDEL's aims: the protection of the most underprivileged immigrants;
- The conference on **the law on citizenship** (Paris, September 1987), raised the question of access to citizenship in the context of comparative law, and forecast the emergence of a European citizenship;
- Finally the conference on **the right of asylum** (Turin, October 1996) examined the gap between ideals set out by numerous European constitutions and international conventions and practice.

On Imprisonment

- The colloquium on **a Europe of Freedoms: Prisons and Judges** (Valencia, January 1989) and **The Judiciary and Prison** (Athens, November 1991) involved exchanges on the role of judges in the application of penalties and the control of detention centres, coetaneous with the 1987 European

Convention for the Prevention of Torture and Inhuman or Degrading Treatment.

- **Dying in Prison: Amending the law** (Aix-en-Provence, June 1996) set out the debate which was subsequently promulgated in French law of the 4th of March 2002, concerning the suspension of prison terms for medical reasons;

On Social Law

- Since it was first established, MEDEL has viewed **Europe as a social space** (Berlin, September 1990); this train of thought was amplified during the **Employment, Justice, Equality. The Right of Employment in Europe in a Time of Globalisation and the Information Society** colloquium (Lisbon, January 2002)
- **The green paper on the future of labour law** gave us the occasion to develop a critical reflection on that document; the colloquium was organised with the Generalitat of Catalonia (Barcelona, November 2007).

Criminal law and freedom rights:

- From the beginning of the “clean hands” movement, MEDEL has worked on **tax evasion and money laundering** (Turin, January 1992) and on **organised economic crime** (Serock (Poland), September 1994);
- The colloquium on **impeded justice** (Brussels, 1997) gave us the opportunity to extend the Geneva call, launched one year previously, in the presence of judges and public prosecutors who had taken part in that initiative; this debate was continued during the conference on **the European judicial arena** (Rome, March 2002) in the context of MEDEL’s response to the Commission’s green paper on that topic;
- The conference on **fighting terrorism** (Brussels, October 2002) gave rise to a first exchange on European texts adopted after the 11th of September; the colloquium on **Consequences of Criminal Law in Europe: Constitutional Freedoms vs. Security Culture** organised in the *Ecole nationale de la magistrature* together with AED (European Democratic Lawyers (*Avocats Européens Démocrates*) Bordeaux, October 2004) highlighted a concern echoed by Opinion No 8 of the Consultative Council of European Judges (CCJE) on the role of judges in the protection of the rule of law and human rights in the context of terrorism;
- Finally, MEDEL held a seminar on **the law of war** in Athens in April 2003, before becoming involved in the fringes of the Coalition for the International Criminal Court.

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