

## TRANSNATIONAL JUDGE ASSOCIATIONS

The Italian National Association of Judges (ANM) is one of the founding members of UIM - Union Internazionale des Magistrats, the body established in Salzburg in 1953, that gathers the national associations of judges from several countries of the world. The main aim of the Association, as ratified in the statutes, is the safeguard of the independence of the judiciary, which is the essential requirement of the judicial function, guaranteeing human rights and freedom. The Organization currently brings together 81 national associations or representative groups from the five continents, each representing a Regional Group Membership. The International Association of Judges plays an advisory at the United Nations and at the European Council. The Association has four study commissions, dealing respectively with judicial administration and status of the judiciary, civil law and procedure, criminal law and procedure, public and labour law.

Giacomo Oberto, Secretary-General of UIM, has decided to put online the magazine of ANM (Italian National Association of Judges), in conjunction with the renewal of its publication, on the International Association website. Which is an opportunity to highlight the role of the transnational judge associations, 60 years after the creation of UIM, and to reflect on its ongoing activities.

First of all we must keep in mind the ambitious and high goals of the International Association of Judges, as by statute: 1) to safeguard the independence of the judicial authority, as an essential requirement of the judicial function and guarantee of human rights and freedom (*libertés humaines*); 2) to safeguard the constitutional and moral standing of the Judicial Authority; 3) to increase and perfect the knowledge and the understanding of judges by putting them in touch with judges of other countries, and by enabling them to become familiar with the nature and functioning of foreign organizations; 4) to study together judicial problems, whether these are of regional, national or universal interest, and to achieve the best solutions.

These objectives are to be pursued by the arrangement of conferences; by the meetings of the study commissions; by the establishment of cultural relations; by promoting and enhancing friendly relations between judges from different countries; by the mutual assistance between associations and national groups. As for the main objective of UIM, namely the preservation of the independence of the judicial system in the world, it is subject to regular meetings both of the Central Council and of the Regional Groups. During these meetings, we discuss proposal, resolutions and statements regarding the situation of the judiciary in several countries. In particular, a number of actions have been taken in order to protect the representative bodies of self-government of the judiciary, in the face of attempts to change its composition by a political appointees majority, or in the face of risk of tampering with free elections. Study missions are promoted, to gather information about issues of justice in a given

country. During these missions, the delegations of UIM meet with local judges, presidents of Courts, members of the High Council of the Judiciary, representatives of the legislative and executive power.

UIM provides opinions on bills and on administrative measures that might affect the judicial system. UIM representatives are also operative at United Nations premises and at offices of the European Council such as, for example, the Consultative Council of European Judges (CCJE) and the European Commission on Efficiency of Justice (CEPEJ). UIM provides experts in the field of justice for the works of the United Nations, of the European Union, of the Council of Europe and of the Latin-American Federation of Judges (FLAM).

All the work is coordinated by the Presidency Board of UIM, a committee made up of a chairman and six vice-chairmen, that meets twice a year. The necessary technical support is provided by the Secretariat-General, the executive agency of the Association, based in Rome at the Supreme Court.

The original idea of a few founding countries has turned into the complex organization previously described. In time, a number of National Associations joined UIM. The ever increasing number of UIM members highlights how crucial is, worldwide, the safeguard of the independence of the judiciary, which is the shared objective pursued by all the national associations. As well as its growing importance, in time, through all the political changes in the different regional situations.

Culturally, UIM succeeds in strengthening the bonds between the associations, worldwide, by a continuous exchange of information and the regular comparison with the judicial systems of other countries, beginning with the participation of ANM to the European Regional Group. In this area it can be better understood how useful the transnational associations are, between judiciaries of countries belonging to the same and homogeneous political and geographical context.

The European Group (EAJ), as an observer at CCJE and CEPEJ, in the last 15 years has taken part “in the drawing up of documents, resolutions, advice, both on a general and abstract level and with regard to the individual situations of the countries in Europe” (Giacomo Oberto, Offering a new word of advice about: independence, efficiency and liability of the judges drawn up by the board of advisers on the judiciary of the Council of Europe, [www.giacomooberto.com](http://www.giacomooberto.com)). A good example is recommendation n. R(94) 12 by the Council of Europe about independence, efficiency and liability of the judges, that in 2010 was modified with the contribution of EAJ.

Also, the European Group this year intervened in support of the Turkish judiciary, following the repeated attacks to its independence by the Turkish government: the European Group addressed a support resolution to the European authorities, to the

UN Justice Department and to the Turkish government, obtaining the actual involvement of some European authorities. Likewise, the European Group passed a support measure to the Ukrainian judges whose personal safety is at risk because of the ongoing civil war. These are real manifestations of the protection of the judiciary, which is the foundation of UIM.

The European Group is currently studying another sensitive topic, the civil liability of the judges: a questionnaire has been delivered to the National Associations, whose subject is the regulation of the liability of the judges and the protective measures against it, including the civil insurance. It will be very interesting comparing the outcome, which will be dealt with during the next European meeting.

It is worth mentioning here Antonio Mura's recent remarks on the role of UIM in the European Union after the political changes that took place in Europe:

*Intervento – già in inglese – di A.M.  
Titolo*

The brief outline given here shows the importance of the role played by UIM- Union Internazionale des Magistrats, increased over the years because of the world globalization, which involved also the judicial system.

In conclusion, the transnational judge associations represent an extraordinary device for sharing and exchanging knowledge and information.

Although the actions taken by UIM may seem far from the daily legal activity of the judges, the force of cultural legal principles of which UIM is a carrier, has the power to influence the choices of the institutions, in the legal field, in defence of the cardinal principles of jurisdiction.

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