



Palazzo di Giustizia - Piazza Cavour - 00193 Roma - Italia

RESOLUTION

on

Updating the “Basic Principles on the Independence of the Judiciary” adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Milan from 26 August to 6 September 1985 and confirmed by the General Assembly in its resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985

The International Association of Judges (“the IAJ”) observes first that in 2014 it decided to update its reference text the “Universal Charter of the Judge”, which had not been revised since its adoption at the annual meeting of the IAJ in Taiwan in 1999.

Following that decision, a new Charter was adopted unanimously by the IAJ member associations at its annual meeting in Santiago de Chile in November 2017.

The IAJ continues to welcome the adoption by the United Nations in 1985 of the “Basic Principles on the Independence of the Judiciary.”

The IAJ considers that these general principles continue to be relevant 33 years after their adoption and stresses the importance of worldwide rules designed to ensure the independence of judges and to enable judges, through the creation of associations, to defend the principles of judicial independence.

Nevertheless, the IAJ believes that some of these principles could usefully be recast and clarified, including:

- the guarantees of irremovability;
- the training of judges;
- and the distribution of cases within the courts.

The IAJ further notes that some topics which are now at the centre of the concerns of judges do not appear in these principles. These include:

- the principles relating to the organization of justice and internal independence of the judiciary;
- the conditions necessary in order that justice may be rendered effectively;
- the guarantees on remuneration and retirement of judges;
- the creation of a bodies responsible for the recruitment, appointment, promotion and discipline of judges which are composed or constituted in a manner such as to secure their independence;
- the clarification of the ethical and deontological requirements placed on judges, in light of increased public debate and expectations.

As a regional association within the wider International Association of Judges, the **European Association of Judges** endorses the foregoing and therefore supports calls for the undertaking of a review to update the terms of the “Basic Principles on the Independence of the Judiciary which was adopted and confirmed in 1985.

The European Association of Judges accordingly urges the United Nations and its members' governments to engage in such a review and, for its part, the European Association of Judges declares its readiness to contribute to the review.

Berlin, May 25th, 2018.