

# **EAJ President Report**

## **Cape Town 2024**

### **November 2023 – September 30, 2024**

Since the EAJ meeting in Taiwan there has been a lot of activity in the EAJ presidency. To a large extent, we have divided the tasks between us. Below is an overview of the most important activities.

#### **October 2nd 2023**

President Sjoberg attended in the regular on-line meeting of “Judicial Network” between the presidents of ENCJ, Networks of Presidents of Supreme Courts and IACA. The meeting was chaired by the newly elected President of ENCJ, Dalia Vaserienne.

On the informal agenda were among other things my summary of the EAJ meeting in Taiwan.

#### **October 11-12**

President Sjoberg participated in the annual meeting in the Slovakian Judges Association. The annual meeting included vetting, among other things. Sjoberg had a presentation where he among other things discussed EAJ’s resolution from Taipei on Moldova. Gerhard Reissner and Bogdan Jedrys were also present, both of whom spoke on the same topic.

At the meeting there were representatives from the Austrian, Czech, Polish and Hungarian associations.

#### **October 13**

Vice President Sabine Matejka participated in the annual congress of the French Union Syndicale des Magistrats (USM), on October 13, 2023, at the Cour d’appel de Paris. The topic of this year’s meeting was “Justice et medias: regards croisés”. In the afternoon she participated in a seminar at the French Court of Cassation on case weighting systems, organized by CEPEJ / CoE.

#### **October 25**

JOTAY, an organisation based in Guatemala that works with several organisations of judges in Central America, asked Vice President Kempfle if the German Judges Association (DRB) would co-host a conference for Judges from Central America and Europe in Berlin in September 2024. After consulting with the IAJ Presidency Committee, especially First Vice President Barone (Grupo IBA), Vice President Kempfle met JOTAY’s representative Johanna van Strien online on 25<sup>th</sup> October to discuss the possible involvement of IAJ in the conference. The suggestion was welcomed, so it can be expected that IAJ will be involved in JOTAY’s conference in 2024.

#### **October 20-21**

In the course of a joint conference of the Austrian, German and Swiss branches of Commission of Jurists in Lucerne, Switzerland, VP Matejka established contacts with the new General Secretary of International Commission of Jurists (ICJ), Santiago Canton, who was very interested in the work of IAJ/EAJ and future cooperation. This will be followed up by President of IAJ, Duro Sessa.

#### **November 8**

President Sjoberg participated at the invitation of Justitia in a team meeting with a number of parliamentarians from the European Parliament. At the meeting, the situation after the recent election in Poland was discussed and it was discussed whether political initiatives should be taken. For the time being the situation would be monitored.

#### **November 17**

Vice President Kempfle met Ms Ingrid Derveaux, General Secretary of the EJTN (European Judicial Training Network) in Brussels to discuss possibilities of cooperation between EJTN and EAJ, including – but not limited to – the judges@europe forum Ms Derveaux would be very happy about a cooperation between EJTN and EAJ on an institutional level. The EAJ board agreed to invite Ms Derveaux to the next EAJ Meeting in Warsaw which would involve no costs for EAJ since EJTN could cover her travel costs.

### **November 24-25**

The EAJ board met in Vienna to discuss the EAJ work in 2023/2024, especially the lawsuit at the ECJ, the EAJ Meeting in Warsaw on 25 April 2024, the organisation of work within the new EAJ board. The board decided to meet every month on teams.

### **November 29**

President Sjoberg and Vice President Kempfle participated in the online meeting with Carsten Zatschler and representatives of the other organizations (AEAJ, MEDEL and Judges for Judges) that joined the lawsuit regarding Poland at the ECJ.

### **November 30**

Vice President Matejka represents EAJ in the Expert Group of EU Commission on European Judicial Training (previously this was done by José Matos). She was invited to a workshop in Brussels on Nov 30, to follow-up the European Judicial Training Strategy 2021 – 2024 and discuss the post 2024 Judicial Training Strategy, which will focus on digital transition and its impact on judicial training.

### **December 1st**

On Dec 1, the European Forum of Judicial Professions held its 2nd hybrid conference in Brussels, organised with the support of ERA. The topic of the conference was “The Media and the Legal Professions: Trust in the Judiciary Requires Trust in the Media”. Vice President Matejka moderated the Roundtable discussion on the image of justice in media reports. The conference was very successful, with more than 400 participants registered for online-participation. Other representatives of the members of the Forum, such as President of ENCJ, were also present on-site. Dorota Zabłudowska from Polish Association IUSTITIA shared her experiences in the roundtable discussion on the common interests of journalists and legal professionals in a rule-of-law crisis. More information on the Forum can be found on its new website: <https://euflp.eu>.

### **December 4th**

At the regular on-line meeting of Judicial Network (EAJ, ENCJ, Network of Presidents of the Supreme Courts, IACA) it was announced that the president of Network of Presidents of the Supreme Courts, Ms Bettina Limperg had stepped down after being President of the Network for 5 years. Her successor, Mr. Anders Eka, Sweden, was introduced at the meeting. On the informal agenda was, among other things the relation to the European Commission. President Sjoberg proposed that the group initiate a meeting with Commissioner Reynders as before. There was a strong support for this.

### **January 8 2024**

President Sjoberg attended in the regular web meeting of Judicial Networks between the presidents of ENCJ, the Network of the Presidents of the Supreme Courts and ACA.

On the agenda was the IAJ initiative proposing January 11 the Day of independent Judiciary.

### **January 10**

EAJ - board web meeting between Vice President Sabine Matejka, Vice President Roland Kempfle and President Sjoberg. On the agenda was the coming EAJ meeting in Warsaw.

### **January 17**

Vice President Kempfle attended an online meeting with JOTAY (Guatemala), FECAJUD and other actors to discuss the preparation of a conference for Central American and European Judges which will be hosted by JOTAY and co-hosted by DRB and IAJ in Berlin from 9-13 September 2024.

### **January 22**

A web meeting between the EAJ board and representatives from board of Justitia, amongst others President Krystian Markiewicz and Dorota Zabłudowska. On the agenda was the coming meeting in Warsaw in April.

### **January 23**

Vice President Kempfle attended online the annual “Training Needs Assessment” conference of the EJTN.

### **January 24**

A web meeting between policy officer Joze Strus, EU Commission and the president of IAJ, Duro Sessa, the chair of the Working Group on the Situation in Member States, Stephan Gass, HP Gerhard Reisner, President Sjöberg and Vice President Sabine Matejka. On the agenda was the EAJ response to the Consultation Questionnaire by the EU Commission for the preparation of the Report on the Rule of Law 2024. The response was based on questionnaires from the member associations processed by the working group.

### **January 26**

President Sjöberg attended the first meeting of the members interesting in joining the future Working Group on Judicial Salaries and Pensions. The meeting was chaired by Gerhard Reissner. At the meeting, the members discussed a number of general views and principles for the group’s work. The group agreed to postpone the election of the chairperson to the meeting in Warsaw.

### **January 30**

Vice President Kempfle attended a follow-up online meeting with JOTAY (Guatemala) on the preparation of a conference for Central American and European Judges in Berlin from 9-13 September 2024.

### **February 5**

President Sjöberg attended in the regular meeting of Judicial Networks between the presidents of ENCJ, the Network of the Presidents of the Supreme Courts and ACA.

### **February 8**

EAJ- board meeting online.

### **February 10**

Vice President Matejka attended the Congress of International Commission of Jurists (ICJ) “Independence of Judges and Lawyers around the world” (online)

### **March 4**

President Sjöberg attended in the regular meeting of Judicial Networks between the presidents of ENCJ, the Network of the Presidents of the Supreme Courts and ACA. At the meeting President Dalia Vasariene invited the network to ENCJ’s 30<sup>th</sup> anniversary in Rome in June 2024.

### **March 4**

Vice President Kempfle attended a meeting of the IAJ Presidency Committee with the UN Special Rapporteur on Judicial Independence, Prof Margret Satterthwaite, on the proposal to introduce an “International Day of Judicial Independence” on 11 January. The meeting was attended by IAJ President Duro Sessa and the Presidential Committee.

### **March 4-5**

Vice President Matejka participated in the workshop with Presidents of pilot courts, held in Mostar/Bosnia, organized by Council of Europe (CEPEJ project “Strengthening the Quality and Efficiency of Justice in Bosnia and Herzegovina”)

### **March 11**

Vice President Matejka attended the Fundamental Rights Forum 2024 in Vienna, organized by EU Agency for Fundamental Rights

### **March 19**

EAJ board meeting online

### **March 20**

President Sjoberg signed with the President of The Association of European Administrative Judges (AEAJ), Sylvian Mérenne, President of Judges for Judges, Tamara Trotman and President of MEDEL, Mariarosaria Guglielmi a letter to the Commissioner for Human Rights, Dunja Mijatovic’ and European Commissioner for Justice, Didier Reynders expressing our strong concerns about the situation of the judiciary in Bulgaria where - even recently - cases of judges exposed to pressure and intimidating conduct in connection with the exercise of their professional duties have been reported. The letter is on the website of IAJ.

### **March 27**

Online meeting with partner associations of judges and their lawyers on the pending law suits (Poland).

### **April 6**

Online meeting between the EAJ board and Justitia.

### **April 8**

President Sjoberg attended in the regular web meeting of Judicial Networks between the president of ENCJ, Dalia Vasariene, the president of the Network of the Presidents of the Supreme Courts, Anders Eka and the President of ACA, Kari Kuusuniemi.

### **April 9-11**

Vice President Sabine Matejka participated at the CEPEJ-Saturn meeting in Mechelen/Belgium

### **April 22**

Vice President Sabine Matejka had an online conference with ERA and the European Forum of the legal professions. to prepare the next conference of the Forum (which will be Nov 8, 2024, working title: “Improving the delivery of justice through innovations”).

### **April 25-26**

EAJ meeting in Warsaw

In attendance were IAJ President Duro Sessa, the IAJ First Vice-President Walter Barone, the EAJ Board, the Honorary Presidents, José Igreja Matos, Gerhard Reissner, Maja Tratnik and Guenter Woratsch and delegates from 38 member associations.

At the meeting, 4 resolutions were adopted and there was a good and intense debate on several topics. At the same time delegations were briefed on current topics including the lawsuit against the Commission and the Council.

The first resolution concerned Slovenia, where judges' salaries, despite a decision from the Constitutional Court stating that salaries were so low as to violate the principles of judicial independence and separation of powers, remain unchanged. In the resolution, the EAJ urges the Slovenian government and National assembly to implement immediately the decision of the Constitutional Court of Slovenia and to provide appropriate

material conditions for the independent work of judges, thereby ending the current violation in Slovenia of the principles of the independence of the judiciary and the separation of powers in a democratic society.

The second resolution was about Hungary and concerned salaries too. There had been no changes of salaries of Hungarian judges while salaries in other branches had been automatically adjusted. In the resolution EAJ considered that the current levels and conditions of remuneration of judges in Hungary is contrary to European and other international standards and not compatible with the requirements established by decisions of the Court of Justice of the European Union and therefore it calls the Hungarian authorities to immediately increase the salaries of judges and to ensure future salaries at least on a par with decision makers in other branches of government.

The third resolution was on Spain. The General Council of the Judiciary has not functioned for years and there are accusations of “lawfare” against judges, who in preceding years had investigated or convicted persons responsible for attempted territorial separation from Spain. In the resolution EAJ urges all political parties in Spain to increase their efforts to resolve the parliamentary impasse and to ensure the restoration of a full functional Council of the Judiciary. EAJ also calls the parliamentary and governmental authorities in Spain immediately to refrain from calling judges and to stop campaigning against judges accusing them of “lawfare”.

The fourth resolution was on Italy, where amendments of the Italian institution all affecting the independence of the judiciary. First by establishing two different self-governing bodies for judges and prosecutors, secondly altering the composition of both self-governing bodies, third preventing the High Councils of Judiciary from opening files to protect the independence of individual magistrates. In the resolution EAJ shares the concerns expressed by the Italian delegation and urges the Italian authorities to reconsider the proposals in question and to be mindful of the need for Italy not to take steps departing from European standards. EAJ strongly request the Italian authorities to accommodate the Italian association and to explain and exemplify the major critical issues related to the proposals to the government.

Under miscellaneous Mehmet Tank took the floor and thanked the EAJ, its board and its members for their constant support towards himself and the Turkish judges imprisoned. José Igreja Matos and Murat Durmaz presented two initiatives aimed at ensuring that former President of YARSAV, Murat Arslan, may enjoy a fair procedure for the decision about his conditional release that until now was rejected on no grounds. The first initiative was the adoption of a statement by which the EAJ as a whole urged the Turkish authorities to release Arslan immediately. The second initiative was the proposal that each and any EAJ member addresses a letter to the Turkish Minister of Justice asking him to intervene promptly and ensure that Arslan is guaranteed a fair decision regarding his conditional release. Murat Durmaz would draft a template that associations may use as such or modify.

## **Mai 27**

IAJ President Duro Sessa and EAJ President Sjoberg sent a letter to European Law Institute thanking for the information on the project to draft ELI-Mount Scopus European Standards of Judicial Independence and for providing it with the recent version.

## **June 6**

In a joint press release of IAJ-EAJ, Medel, AEAJ and Judges for Judges the four associations and organizations of Judges expressed their disappointment regarding the order of 4 June 2024 of the Grand Chamber to dismiss the actions brought by them against the Council decision approving the recovery and resilience plan for Poland as inadmissible.

The Grand Chamber declared the cases inadmissible for absence of the requisite legal interest/standing, even when representing the suspended Polish Judges.

In the press release the four organizations underline that the order of the General Court conceives judicial independence and the rule of law as a matter exclusively reserved to European institution, especially the European Commission. Such a conception, which precludes national judges and the European civil society, is not without risk for the Union as a whole.

## **June 12-14**

President Sjoberg and Vice President Roland Kempfle attended the General Assembly of the European Network of Councils for the Judiciary (ENCJ) in Rome.

Mr. Sjoberg represented EAJ and made a presentation on current problems of the rule of law in Europe.

## **June 14-15**

Vice President Sabine Matejka attended the ERA meeting in Trier, June 14-15, representing EAJ as a member of the board of trustees of ERA.

## **June 21-23**

President Sjoberg, Vice President Sabine Matejka and Vice President Roland Kempfle attended the meeting of the Presidency Committee in Dubrovnik.

## **July 17**

Vice President Kempfle moderated a discussion in Munich titled “Fragile bullwark – how is a state based on the rule of law protected against attacks from inside?” The participants included Honorary President Gerhard Reissner and Kees Sterk, former President of the ENCJ.

## **August 14**

IAJ-EAJ, Medel, AEAJ and Judges for Judges decided to appeal against the above-mentioned order of the General Court to the European Court of Justice.

<https://www.iaj-uim.org/iuw/joint-press-release-of-eaj-medel-aeaj-and-judges-for-judges-on-poland/>

## **August 21**

EAJ board online meeting.

## **September 9-11**

Vice President Roland Kempfle co-hosted an international conference for judges from Central America and Europe in Berlin on behalf of IAJ and the German Judges Association DRB. Moreover, the IAJ was represented by First Vice President Walter Barone. Several long-standing delegates to the IAJ from Central America and Europe also attended the conference. The topic of the conference was “For a joint defence of judicial independence and the right to association”. It included a visit to the German Parliament and a Panel Forum whose key-note speakers were Margaret Satterthwaite, UN Special Rapporteur on the Independence of Judges and Lawyers, and Tim Eicke, Justice at the European Court of Human Rights.

## **September 25**

EAJ board online meeting.

## **September 27**

Upon request of IAJ President Sessa, Vice President Kempfle represented the IAJ at the 57<sup>th</sup> Human Rights Council of the UN in Geneva on a side-event of the International Bar Association’s Human Rights Institute (IBAHRI) and UPR Info. The topic was how to enhance judicial engagement in the HRC’s Universal Periodic Review (UPR). Tips on this issue that included a foreword by IAJ President Sessa were presented to the public at this event.