

# Proposals for some alterations of the IAJ Statutes and Regulations

## (A) TERMINATION OF MEMBERSHIP UPON WRITTEN REQUEST TO THE PRESIDENCY COMMITTEE

<b>Article 5 of the Constitution</b>	
<b>CURRENT TEXT</b>	<b>PROPOSAL</b>
<p><b>Article 5</b></p> <p>1. A member loses its membership status if the Central Council determines that the member is not complying with the criteria for membership set out in Article 4(2) and (3).</p> <p>2. If the payment of a member’s subscription is in arrears of over three years, that member shall cease to belong to the Association unless the Central Council decides to the contrary.</p>	<p><b>Article 5</b></p> <p>1. A member loses its membership status if the Central Council determines that the member is not complying with the criteria for membership set out in Article 4(2) and (3).</p> <p>2. If the payment of a member’s subscription is in arrears of over three years, that member shall cease to belong to the Association unless the Central Council decides to the contrary.</p> <p>3. The membership of a member association may also terminate upon its written request to the Presidency Committee.</p>

**(B) PREMATURE ENDING OF TERM OF IAJ’S OFFICIALS  
HONORARY PRESIDENTS AND COUNCIL OF HONORARY PRESIDENTS**

<b>Article 8 of the Constitution</b>	
<b>CURRENT TEXT</b>	<b>PROPOSAL</b>
<p><b>Article 8</b></p> <p>1. The President represents the International Association of Judges and directs the Association. The President is assisted by six Vice-Presidents whom should be convened (if necessary, also by electronic means) at least once a year if possible, as the Presidency Committee.</p> <p>2. One of the Vice-Presidents may be designated First Vice-President by a vote of the Central Council, after proposal by a Member.</p> <p>3. In electing the President and the First Vice President the members of the Central Council shall consider the global diversity and unity of I.A.J. as well as the desirability of regional turnover.</p> <p>4. The General Secretariat is the executive agency of the Association. It is situated in Rome. The Secretary General shall be assisted by one or more Deputy Secretaries General. After consultation of the Presidency Committee, the President appoints one of them as treasurer. The treasurer represents the IAJ in budgetary issues and in its relations to banks. He/she has the power to sign contracts with banks, to open and close bank accounts of the IAJ upon decision of the Presidency Committee.</p> <p>5. The above officers shall be elected every other year by the Central Council. In case the Central Council could not be convened in an electoral year, due to a situation of <i>force majeure</i> or where otherwise impossible, such elections will take place during the next meeting of the Central Council. Until these elections, the above officers will continue in their offices. In the event that the impossibility of holding a meeting continues for a second year, the Presidency Committee may by unanimous vote decide to extend the prolongation for one further year but if its members are not unanimous there shall be elections by electronic means according to Article 7, Paragraph 8. There must be at least one Vice-President from each Regional Group. No Vice-President may be re-elected more than three times. The outgoing President will remain on the Presidency Committee for a further two years without voting rights.</p>	<p><b>Article 8</b></p> <p>1. The President represents the International Association of Judges and directs the Association. The President is assisted by six Vice-Presidents to be convened (if necessary, also by electronic means) at least once a year, if possible, as the Presidency Committee.</p> <p>2. One of the Vice-Presidents may be designated First Vice-President by a vote of the Central Council, after proposal by a Member.</p> <p>3. In electing the President and the First Vice President the members of the Central Council shall consider the global diversity and unity of I.A.J. as well as the desirability of regional turnover.</p> <p>4. The General Secretariat is the executive agency of the Association. It is situated in Rome. The Secretary General shall be assisted by one or more Deputy Secretaries General. After consultation of the Presidency Committee, the President appoints one of them as treasurer. The treasurer represents the IAJ in budgetary issues and in its relations to banks. He/she has the power to sign contracts with banks, to open and close bank accounts of the IAJ upon decision of the Presidency Committee.</p> <p>5. The above officers shall be elected every other year by the Central Council. In case the Central Council could not be convened in an electoral year, due to a situation of <i>force majeure</i> or where otherwise impossible, such elections will take place during the next meeting of the Central Council. Until these elections, the above officers will continue in their offices. In the event that the impossibility of holding a meeting continues for a second year, the Presidency Committee may by unanimous vote decide to extend the prolongation for one further year but if its members are not unanimous there shall be elections by electronic means according to Article 7, Paragraph 8. There must be at least one Vice-President from each Regional Group. No Vice-President may be re-elected more than three times. The outgoing President will remain on the Presidency Committee for a further two years without voting rights.</p>

6. The President of the Association can appoint for assistance a general representative from the Judges of the same country as the President to act as the President's personal assistant and to participate in all deliberations of the Association.

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7. In the case when the term of President of the IAJ ends prematurely, the First Vice President will assume automatically the functions of the President, until the next meeting of the Central Council, where elections shall be held to replace the President whose term ended prematurely until the end of his/her original mandate and to appoint a new First Vice President for the same term. In cases where the First Vice President is also President of a Regional Group, he/she will keep presiding over the Group until the above-mentioned elections. In case where, following the premature ending of term of a member of the Presidency Committee, the geographical representation is no longer guaranteed, the Committee will task a judge from the concerned region to replace the outgoing member, until the next meeting of the Central Council, where elections shall be held to replace the outgoing Vice President until the end of his/her original mandate. In case of premature ending of term of the Secretary-General, the Deputy Secretary-General with the longest seniority of service will assume the functions of the Secretary-General, until the end of the mandate of the outgoing Secretary-General. In the case of identical seniority, the Deputy Secretaries General will vote for the person that assumes the functions of Secretary-General.

8. At the end of his/her mandate, the President may be appointed by the Central Council Honorary President of the IAJ. The same applies to the Secretary-General.

9. The Council of Honorary Presidents of the International Association of Judges is formed *ex officio* by all the Honorary Presidents elected in accordance with section 8 of this Article. It meets during the IAJ general annual meetings. The Council may be requested of opinions about statutory reforms and may be consulted by the IAJ Presidency Committee, about problems concerning the life of the organisation. The Council designates one of its members as their representative.

(C) FUNDING

<b>Article 10 of the Constitution</b>	
<b>CURRENT TEXT</b>	<b>PROPOSAL</b>
<p><b>Article 10</b></p> <p>1. The Central Council will fix the annual contribution which members are required to pay to the General Secretariat to meet the running costs of the Association.</p> <p>2. The General Secretariat will present annual financial accounts to the Central Council. In any year in which the Central Council does not meet, these accounts shall be presented to the President.</p> <p>3. The Secretary General and the Deputy Secretary General in charge of the finance have the signature on the accounts of the Union.</p> <p>4. Current expenses are made by the Secretary General and the Deputy Secretary General in charge of the finance under the control of the President. Other expenses must be beforehand authorized by the President.</p> <p>5. A Regional Group may fix an annual supplementary contribution.</p>	<p><b>Article 10</b></p> <p>1. The Central Council will fix the annual contribution which members are required to pay to the General Secretariat to meet the running costs of the Association.</p> <p>2. The General Secretariat will present annual financial accounts to the Central Council. In any year in which the Central Council does not meet, these accounts shall be presented to the President.</p> <p>3. The Secretary General and the Deputy Secretary General in charge of the finance have the signature authority on the accounts of the Union.</p> <p>4. Current expenses are made by the Secretary General and the Deputy Secretary General in charge of the finance under the control of the President. Other expenses must be beforehand authorized by the President.</p> <p>5. A Regional Group may fix an annual supplementary contribution.</p> <p>6. The International Association of Judges can be financed by international or national institutions or organisations, provided that the funding is not subject to conditions which might impair the attainment of the institutional goals of the IAJ. The Presidency Committee decides whether to accept the proposed financing.</p>

(D) MONITORING

Article 13 of the Regulations under the Constitution	
CURRENT TEXT	PROPOSAL
<p><b>Article 13 Monitoring (ad hoc and regular)</b></p> <p>1. At the request of the PC a member shall submit a report on the situation of the judiciary in its country and/or the compliance of the member with the criteria set out in Article 4 (2) and (3) of the Constitution (Ad Hoc Monitoring).</p> <p>2. If a written request that raises specific concerns over the independence of the judiciary and includes the grounds of these concerns is submitted on behalf of at least 5 members of the IAJ or if it arises from the resolution adopted by a Regional Group, the Presidency Committee shall forward that request to the respective member association.</p> <p>3. The requested report shall answer the questions which were raised in the request and shall refer to steps taken by the association, if any, to promote the aims and objectives of the IAJ and defend the internationally recognized principles of an independent judiciary.</p> <p>4. Every year, and for first time in 2020, 1/3 of member associations have to answer a monitoring survey on the situation of their association and the judiciary of their country (Regular Monitoring). Members associations will be chosen by alphabetic order of the name of the country they belong to. The form and the content of questionnaire for the purpose of the monitoring survey will be determined by the Central Council. The monitoring procedure can be suspended by the Presidency Committee, when the Central Council cannot be convened due to situations of force majeure or where otherwise impossible.</p> <p>5. Any report or survey under this article shall be submitted at least one month before the second meeting of the Presidency Committee that heads immediately before the meeting of the Central Council. It shall be distributed to all members.</p> <p>6. Failure by a member association to submit a report, or monitoring survey without justification allows the Presidency Committee to proceed in the manner prescribed by Article 12 of the present Regulation.</p>	<p><b>Article 13 Monitoring (<del>ad hoc and regular</del>)</b></p> <p>1. At the request of the PC or 1/3 of CC Members, a member shall submit a report on the situation of the judiciary in its country and/or the compliance of the member with the criteria set out in Article 4 (2) and (3) of the Constitution. (<del>Ad Hoc Monitoring</del>).</p> <p>2. If a written request that raises specific concerns over the compliance of a member with the criteria set out in Article 4 (2) and (3) of the Constitution and the independence of the judiciary and also includes the grounds of these concerns, is submitted on behalf of at least 1/3 of CC members, or by a Regional Group, the Presidency Committee shall forward that request to the respective member association.</p> <p>3. The requested report shall answer the questions which were raised in the request and shall refer to steps taken by the association, if any, to promote the aims and objectives of the IAJ and defend the internationally recognized principles of an independent judiciary.</p> <p><del>4. Every year, and for first time in 2020, 1/3 of member associations have to answer a monitoring survey on the situation of their association and the judiciary of their country (Regular Monitoring). Members associations will be chosen by alphabetic order of the name of the country they belong to. The form and the content of questionnaire for the purpose of the monitoring survey will be determined by the Central Council. The monitoring procedure can be suspended by the Presidency Committee, when the Central Council cannot be convened due to situations of force majeure or where otherwise impossible.</del></p> <p>4. Any report or survey under this article shall be submitted at least one month before the second meeting of the Presidency Committee that meets immediately before the meeting of the Central Council. It shall be distributed to all members.</p> <p>5. Failure by a member association to submit a report, or monitoring survey without justification allows the Presidency Committee to proceed in the manner prescribed by Article 12 of the present</p>

<p>7. To receive and analyse the monitoring survey reports required by Article 13 (4), a commission is established within the Central Council. This commission, chaired by one of the Vice-presidents of IAJ appointed by the Presidency Committee consists of 2 representatives of every Regional Group elected within these Groups. At the end of its work, the commission sends a written report to the Presidency Committee. This report is spread to all the member associations.</p>	<p>Regulation.</p> <p><del>7. To receive and analyse the monitoring survey reports required by Article 13 (4), a commission is established within the Central Council. This commission, chaired by one of the Vice-presidents of IAJ appointed by the Presidency Committee consists of 2 representatives of every Regional Group elected within these Groups. At the end of its work, the commission sends a written report to the Presidency Committee. This report is spread to all the member associations.</del></p>
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**(E) TRANSITIONAL PROVISION (TO BE DELETED)**

<b>CURRENT TEXT</b>	<b>PROPOSAL</b>
<p><b>Transitional provision</b></p> <p>1. After the adoption of the new Constitution and the general Regulation under the Constitution, extraordinary members will automatically become full members.</p> <p>2. These associations will submit the report referred to in Article 6 of the Constitution and Article 13 paragraphs 1 to 6 of this Regulation within one year of the adoption of this Regulation. A rapporteur shall also be appointed by the Presidency Committee to prepare a report, within one year, regarding the fulfilment by each of these associations of the criteria of Article 4(2) and (3) of the Constitution and Article 11 of this Regulation. If any of these associations doesn't fulfil these criteria, the provisions of Article 5 of the Constitution and Article 12 of this Regulation apply.</p> <p>3. As rapporteurs' reports have been provided with respect to the application of the extraordinary members currently seeking ordinary membership, the requirements of paragraph 2 above are dispensed with.</p>	<p><b>Transitional provision</b></p> <p><del>1. After the adoption of the new Constitution and the general Regulation under the Constitution, extraordinary members will automatically become full members.</del></p> <p><del>2. These associations will submit the report referred to in Article 6 of the Constitution and Article 13 paragraphs 1 to 6 of this Regulation within one year of the adoption of this Regulation. A rapporteur shall also be appointed by the Presidency Committee to prepare a report, within one year, regarding the fulfilment by each of these associations of the criteria of Article 4(2) and (3) of the Constitution and Article 11 of this Regulation. If any of these associations doesn't fulfil these criteria, the provisions of Article 5 of the Constitution and Article 12 of this Regulation apply.</del></p> <p><del>3. As rapporteurs' reports have been provided with respect to the application of the extraordinary members currently seeking ordinary membership, the requirements of paragraph 2 above are dispensed with.</del></p>

**(F) Regulations of the IAJ Assistance Fund for Members of the Judiciary**

**[to be approved by the IAJ Central Council upon proposal of the Presidency Committee, however, not to be enshrined in the IAJ Statutes (Constitution and Regulations)]**

**PROPOSAL**

1. The Central Council of the International Association of Judges establishes herewith an Assistance Fund for Members of the Judiciary. Object of the fund is to assist members of the judiciary who are suspended, detained or face other state sanction, including prosecution, simply because of the proper exercise of their functions. The Fund can only be used for the objects described in these Regulations.

2. The Fund is financed by voluntary donations that are made by the IAJ, the member associations of the IAJ and any other donations made by individuals or charitable organisations.

3. A special Committee shall be established to take charge of and make all decisions relating to the Fund, including payments out from the Fund. The Committee consists of five members: the President of the International Association of Judges and four other members, each of them elected by their respective Regional Group for a two-year term. The term shall be renewable. The Committee has to submit its report and accounts for approval annually by the Central Council of the IAJ.

4. The Committee shall have the power to authorize a payment if A) a request for assistance has been made by a member of the judiciary; and B) it is satisfied on investigation that the facts establish a case of need by a member of the judiciary or family members; C) such need arises from improper action by the State against a member of the judiciary.

5. The exercise of the power shall be in the sole discretion of the Committee.

6. If the Committee considers it to be appropriate, payments made can include legal expenses, or payments to the immediate family of the member of the judiciary concerned who is suffering.