



MEDEL's 40th Anniversary Conference, 3 June 2025 – Strasbourg

Opening speech by Mariarosaria Guglielmi

President of Medel

From Medel's visionary project of a united Europe built on peace, democracy, rule of law, and solidarity to the challenges we face in defending our common values

Your Excellencies,

Minister for Justice of Malta,

President of the European Court of Human Rights,

Director of the EU Agency for Fundamental Rights,

it is a real privilege to have you here today. On behalf of MEDEL, I warmly welcome and thank you for honouring with your presence the celebration of our anniversary.

We are grateful to the Minister for Justice and the Ambassador Permanent Representative to the CoE for the privilege of holding our event during the Council of Europe Presidency of Malta.

A warm welcome as well to all our distinguished speakers, participants, colleagues and friends.

We are specially honored by the presence of His Excellency the Attorney General of Spain.

I wish to warmly thank Justice Francesco Depasquale, Muriel Decot, Giuliana Civinini, the whole CEPEJ Secretariat for the support in organising the conference in a venue that is the ultimate symbol of our shared values: peace, democracy, fundamental rights, solidarity.

When our continent was still divided by the Berlin Wall, a small group of visionary judges and prosecutors gathered here to establish MEDEL. They had indeed in mind Europe as a community

united not only by the market but by a process of political, social, and legal integration (art. 2 Statutes). A process this to be actively supported by judges.

They represented the few progressive associations of magistrates of the time, that openly declared – starting from their names (*Magistratura democratica*, *Juezas y Jueces para la Democracia*, *Unión progresista de fiscales*) - a commitment to democracy in dealing with the internal and external challenges experienced by the judiciary. A commitment that was the fuel for an intense debate, the conclusion of which was that defending democracy required judicial systems with well rooted democratic features. This implied starting from new concepts of legitimacy and judicial independence, that served not only to protect judicial systems against external interferences, but also to act as catalysts of their internal democratisation.

The judges and prosecutors serving in this new dimension had to be “*endowed with ubiquity: one foot in the local and the other in the universal*”, as Christian Wettinck, first president of MEDEL, said of our founding fathers Salvatore Senese (representative of *Magistratura democratica*) and Louis Joinet (representative of the French *Syndicat de la Magistrature*). These visionary judges inspired a new model of judicial association, actively engaged in the democratic debate. And they proposed a “new identity” for judges, that they perceived as required by the paradigm shift implied in the adoption of our fundamental charters and in the establishment – in reaction to totalitarian regimes - of constitutional and supranational courts: the identity of “*European magistrates*”, well described in MEDEL’s statutes (judges and prosecutors committed to promoting and defending “*the values of the democratic rule of law*”, a “*democratic legal culture*”, and fundamental rights, especially those of minorities and migrants, “*in a perspective of social emancipation of the most vulnerable*”).

It is crucial to stress that, since its foundation, MEDEL has been much more than just a network connecting different associations. It indeed actively contributed to the establishment of a *European legal space* “*not bureaucratic nor police-based*” - as Christian Wettinck said - but a “*European judicial space of friendship*”.

MEDEL’s community currently comprises 25 judicial associations from 17 countries of the Council of Europe and– through dialogue and solidarity- brings judges and prosecutors together, far beyond European borders. I wish to warmly thank our colleagues who have joined us today from Morocco and Guinea. A very warm welcome goes to our colleagues from Afghanistan. Please feel sure that MEDEL will keep its commitment in supporting all those judges, prosecutors, lawyers (especially women) who- after the Taliban takeover- were forced to flee their country or live under constant risks because of their commitment to the rule of law.

MEDEL has always been a sentinel, spotting at a very early stage dangerous developments for the rule of law in national contexts and alerting European institutions. We witnessed dramatic events such as the mass arrests and dismissals of our colleagues in Turkey after the attempted coup d'état. We continue to monitor and to denounce the collapse of rule of law and democracy in that country. We can feel today the presence of Murat Arslan, president of YARSAV, unjustly detained since October 2016, who in this Palace was awarded in 2017 the Václav Havel Prize for his commitment to justice and human rights. It is with deep emotion that I welcome our Turkish colleagues who courageously shared their touching experiences and bear witness to the events that affected thousands of magistrates, lawyers, human rights defenders. Their ordeals will not be forgotten.

The awareness of being “European judges”, and to have to act accordingly, which we owe to MEDEL, supported the resilience of independent justice in contexts where rule of law backsliding led to a firm grip of the executive power over the judiciary. By relying on this awareness, despite the muzzle law, the harassment with disciplinary and criminal sanctions and smear campaigns, Polish judges continued their “dialogue” with European Courts. By doing so, they reaffirmed the primacy of European law and of the fundamental principles that are part of European identity.

The awareness of being members of a community founded on universal values is today the best support to the resilience that independent Justice needs in the face of the existential global threats to the rule of law, democracy and international justice system, represented by the populist authoritarian drift that seeks to dismantle all boundaries to the exercise of sheer power. A process that has changed, in the space of a few days, the course of history in countries celebrated as well-established models of democracy.

The wide-ranging perspective provided by MEDEL's observatory made us aware that the attacks against independent judiciary are always part of a broader project, where curbing the rules and mechanisms of democracy is only a first step, eventually functional to regressive policies on rights and freedoms. What we can clearly observe is the project of a new order, no longer based on equality in rights and dignity, but rather on exclusion and identity: a new order that aims to subvert the very idea of Europe as a community based on the primacy and universality of human rights, with a national and supranational judicial architecture to guarantee their effective protection.

A Europe of peace, solidarity and the rule of law: this was *the idea to be realised*– in Christian Wetlinck's words¹- that inspired the visionary project behind MEDEL; this is today the perspective we must defend.

The challenges for rule of law and democracy have become increasingly dramatic and complex. The condition of migrants is, in our experience, the litmus test for European values. It is indeed in the context of migration policies that we are facing what has been described as an emerging pattern of decline amongst established liberal democratic constitutional orders in their commitment to human rights and rule of law.

MEDEL always called upon Europe and Member States to ensure a system for the reception of migrants in line with human rights protection standards. For MEDEL, it is essential to reflect on what we mean by “rule of law” in the face of national and European migration policies, that too often blatantly conflict with fundamental values. In the field of migration we are experiencing the fastest growth of institutional intolerance towards the role of the judiciary as impartial guarantor of fundamental rights. It is primarily on migration issues that the populist rhetoric aims to delegitimize judges, labelling them *as enemies of the people*, solely based on decisions that refer to supranational sources to protect individuals. Around migration we are now witnessing what the Italian scholar Luigi Ferrajoli has called “*l’ostentazione istituzionale della disumanità*” (inhumanity flaunted by state institutions).

MEDEL made us fully aware that our common values can be overturned anytime.

Not even our visionary founding fathers could have imagined such dark times for Europe and democracy: old demons are back, with their symbols and language. The demons of war are back, with escalating atrocities and mass human rights violations we never thought we would see again.

The way forward looks increasingly narrow and challenging. But MEDEL still provides us with a compass.

Our task today is to stick to our values, to reaffirm and defend them, to safeguard for everyone the achievements represented by our Charters, the European Convention on Human Rights above all.

I wish to close by quoting the recent words of the Secretary General of the Council of Europe:

¹ C.Wetlinck, “*Medel: dall’idea alla realizzazione*”, *Questione Giustizia*, n. 6-2000.

“As we face today’s complex challenges, our task is not to weaken the Convention, but to keep it strong and relevant to ensure that liberty and security, justice and responsibility, are held in balance. That is the legacy we inherit. And it is the duty we share”².

² <https://www.coe.int/en/web/portal/-/alain-beret-on-the-joint-letter-challenging-the-european-court-of-human-rights>