

The Case for Freedom of Expression of Magistrates

On March 6th, the President of the General Council of the Spanish Judicial Authority requested that a disciplinary investigation be opened against the signatories of the *Manifesto for a Rational Debate about Criminal Policy*.

We, European Magistrates, are appalled at this initiative. We believe freedom of expression to be one of the fundamental pillars of democratic society and one of the paramount conditions for its progress. Therefore, the obligation of discretion cannot prohibit magistrates from publicly expressing their opinion. Furthermore, it cannot be mistaken for an obligation to silence or conformism, or be subordinated to prior hierarchical approval.

We draw your attention to the fact that the European Court of Human Rights has provided the most extensive interpretation of Article 10 of the Convention on the Safeguard of Human Rights and Fundamental Freedoms: this freedom applies *not only to information or ideas welcomed or considered innocuous or inoffensive, but also for those that are hurtful, shocking or worrying* (the case *Giniewski vs. France*, January 31st, 2006).

For that reason, by supporting the Manifesto, we are expressing our full solidarity with our Spanish colleagues who have, as magistrates and citizens, participated in a much needed public debate over criminal policy.

Organizations members of Medel : Syndical Association of Magistrates (Belgium), Cyprus Judges Association (Cyprus), Soudcovska Unie Ěeské Republiky, Unie statnich zastupcu Ěeske republiky (the Czech Republic), Syndicat de la Magistrature (France), Vereinigte Dienstleistungsgewerkschaft VER.DI (Fachausschuss Richter und Staatsanwälte), Neue Richtervereinigung (NRV) (Germany), Eteria Elinon Dikastikon Litourgon gia ti Demokratia ke tis Elefteries (Greece) ; Magistratura democratica (MD), Movimento per la Giustizia (Italy) , Iustitia , Polish Prosecutors' Association (Poland), Associação Sindical dos Juizes Portugueses ASJP, Sindicato dos Magistrados do Ministerio Público (Portugal) , Jueces para la democracia , Unión progresista de Fiscales (Spain), Uniunea Națională a Judecătorilor din România (Romania).