

Italian Association of Women Judges

Reasons for ADMI's Creation

In 1990 a few Italian women magistrates formed ADMI (Associazione Donne Magistrato Italiane) with the following objectives in mind:

- To study judicial, ethical and social problems relating to the position of women in society.
- To promote the role of women magistrates with a view to guaranteeing the rights of citizens and the better functioning of justice.
- To create firm links between women magistrates so as to make better use of their professional experience, and enable a proper evaluation of women magistrates' contribution to the interpretation and application of the law.
- To propose legislative amendments that fully implement sexual equality.
- To promote meetings between women magistrates in Italy and those from abroad.

Our purpose was to initiate a cultural debate on the role of women magistrates in an apparently neutral world, but which in substance was rigidly male. In effect, we wanted to influence the "status quo" and mind-set which had never before been discussed publicly. In fact, the limited degree to which protective legislation was applied revealed that it was insufficient and, therefore, necessary to go beyond formal equality between men and women. To this end, we believed it was necessary and proper to ensure "positive action", that is, action to eliminate de facto discrimination in order to implement laws assuring equal opportunity.

ADMI's First Twenty Years (1990-2010)

On IAWJ's twentieth anniversary which coincided with ADMI's first 20 years, past president Justice Graziana Campanato recalled the history of and rationale for our association's multiple objectives: both those to which we aspired and those we actually achieved, as she explained in the following quote:

In 1991, ADMI presented some proposals for the reform of employment conditions applicable to women magistrates to the Consiglio Superiore della Magistratura (CSM), the body which is constitutionally authorized to govern the judiciary. The objective of these proposals was to guarantee that women judges who choose maternity and the responsibility of raising a family were not disadvantaged in terms of their professional development, career advancement or personal growth.

Positive Action on Employment Conditions

Pursuant to its interest in obtaining positive action, ADMI's proposal was to be implemented in accordance with the following plan: first, a planning phase, second, an analytical stage to help clarify the conditions applying to women within the magistracy, finally, an implementation phase to be followed up by an evaluation of the program's effectiveness. In phase one, a committee, composed of men and women was established to function as a reference point for positive actions that would affect all magistrates, and also serve as a link to the C.S.M.

To implement stage two, ADMI identified actions that required immediate attention. Specifically, ADMI recommended that when young magistrates are given their first appointment, those with children should be allowed to select locations within their judicial districts. Alternatively, they should be awarded priority points for their assignments according to their children's ages. These same rules should be applied when they seek transfers. In addition, periodic professional refresher courses were proposed for all magistrates. While such courses were available to both men and women magistrates, they would be especially beneficial to women judges who are compelled to take leave from work for maternal reasons during the formative years of their professional careers.

The C.S.M. accepted ADMI's first proposal, and on 22 October 1992, established a committee to study equal opportunities. The C.S.M.'s Vice President presided over the committee that was composed of three its members, three women magistrates who were ADMI members, an expert nominated by the National Committee of the Employment Ministry and three women magistrates representing the National Association of Magistrates composed of both men and women.

Maternity Leave

Among the many issues the Committee addressed were those concerning maternity leave for women working in the judiciary which were especially important because it was cited as the primary reason for the delay and malfunctioning of justice. However, data collected in this regard proved that claims blaming women for delay were totally groundless. Consequently, the law currently in force was amended to add a list of substitute judges and prosecutors to replace colleagues on maternity leave. This remedy would allow the judicial system to operate more efficiently, thereby better serving the interests of women and the public as a whole.

In 2001, ADMI's proposal was accepted and the new law established a pool of magistrates, attached to the Court of Appeal, who could substitute for men and women magistrates who were absent by reason of maternity, illness or other related reasons. In this way, women magistrates succeeded in individualizing and overcoming difficulties that citizens encountered in the administration of Italy's judicial system. At the same time, ADMI ensured that maternity would not be a negative factor limiting the careers of women magistrates.

The C.S.M. adopted another ADMI proposal that gave additional points to women with children up to three years old when seeking their first work place assignments or transfers in subsequent years. Still another initiative gave preferential treatment to women applying for professional training courses organised by the C.S.M. on a regular basis. ADMI also requested that a greater number of women be nominated to lecture in courses given by the C.S.M. and sit as members on the commissions that administer public competitions for those who wish to join the judiciary.

Survey of Labour Conditions

The Committee also carried out a wide-ranging survey on labour conditions of women working in the judiciary by means of a questionnaire given to all judges and prosecutors in Italy. The answers to this questionnaire confirmed that women were represented in a fully balanced way whenever appointments were based on objective criteria (as is the case of public examinations), whereas they were inadequately represented when subjective factors were involved as in nominations, elections, or when a woman was required to make a choice that entailed sacrifices affecting her family.

The Rome Conference

In 1994, ADMI, with IAWJ support, organised the Association's second international biennial conference in Rome. During the Conference, United States' delegates explained the use of protective orders issued by courts to safeguard victims in cases involving family violence. Shortly thereafter, ADMI proposed legislation providing for similar measures in cases involving violence between family members. In 2001 the Italian Parliament approved a new law based on ADMI's original proposals.

Governance of the Judiciary

ADMI is concerned that few women are members of the C.S.M, a constitutionally established body, whose authority extends to employment, nominations, transfers, advancement and discipline of judges. The Parliament elects one-third of C.S.M.'s members from law school university professors and lawyers, while the balance are elected by all members of the judiciary. The President of the Republic serves as C.S.M. Chairperson.

Because this important institution largely consists of men, the C.S.M. is deprived of women's contributions which ADMI regards as a serious limitation, especially when taking into account that the number of women judges increased from 2,000 in 1989 to 4,000 in 2009. Recently, ADMI proposed that the Associazione Nazionale Magistrati (ANM) modify its statute to provide for the election of a specific percentage of women candidates to the CSM governing body. However, this proposal was rejected.

Women's Role in the Judiciary

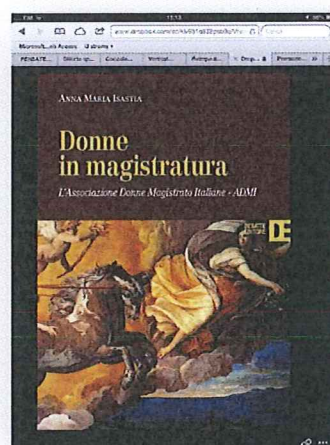
In Italy, women judges have attained highly important positions and are carrying out complex investigations into organised crime, business crime and political corruption. Other women conduct important proceedings in civil matters on a par with their male colleagues, with excellent results. Some of these women are even known abroad because of their wholehearted commitment and ability.

Moreover, ADMI members on the Supreme Court have created a jurisprudence of equality in many fields, especially in family matters. Thus, the Supreme Court plays a leading role in the judiciary. However, the declining difference in the ratio of men to women in the judiciary has not resulted in a comparable decline in access to leading positions, which still are largely held by male colleagues. ADMI members assume that the difficulties affecting women judges are similar to those encountered by women in other fields; that is, because in varying degrees, women are still expected to comply to a great extent with fixed behavioural models within the family and society. Consequently, whether equal opportunities exist for men and women judges remains an open issue, notwithstanding some advances in formal and factual equality. ADMI now is trying to establish equal opportunity committees in all Courts of Appeal and the Supreme Court.

Conferences and Meetings

In 2000, during the IAWJ Conference in Buenos Aires, the Italian delegation met with other European women judges in an effort to formulate a European position on the Conference theme prior to the 2002 Conference in Dublin, Ireland. We organised another meeting in Turin, Italy in November 2001, with women judges from many European countries, particularly those from Eastern Europe, to consider European law and its influence on jurisprudential creativity. On 12 June 2003, ADMI organised a conference in Rome concerning the reform of juvenile courts while that matter was being debated in Parliament.

Throughout these years, ADMI has sponsored many other events including conferences and debates through which we established contacts with judges in other jurisdictions, as well as in administrative and military courts. In this manner ADMI contributed to the growth of a culture of equality. We have contacts with universities in many cities where we have organised conferences in which students participate. We were present at a conference on the theme "Safety, Justice, the International Dimension of Italy." We also interacted with women in diplomatic and prefectural career paths at that conference. In May 2007, three ADMI members attended a conference organised by the C.S.M. dealing with equal opportunities and in July of that year, members attended another conference sponsored by the International Labor Committee which 30 newly-appointed Egyptian women magistrates attended. ADMI continues to publish its newsletter "Giudicedonna", which has a distribution of 11,000 copies.



Inspiring Others

ADMI's achievements have inspired other judicial organisations, some of which have established equal opportunity committees in the past few years, and implemented practices such as ensuring that judges with children under three years of age may seek assignments near the workplace of the other parent. By virtue of its activities, the Association has gained great prestige among other organisations and institutions. It is a unique women judges association in Italy with members holding prominent positions on their courts and at the Supreme Court.

From 2010 to 2015

In the last five years, themes such as gender differences and discrimination have become part of the discourse between ADMI and members of the self-governing C.S.M. Council. Similarly, ADMI has continued to obtain consent to designate its own members to serve on the Equal Opportunity Committees that operate in all Italian Courts of Appeal and the C.S.M.

In addition, over the last five years, ADMI members have promoted the organisation's values while attending cultural activities and maintained an active presence at meetings and conventions organised by universities and private associations throughout the nation.

Other important events should be noted, such as a conference on life and death (Rome 2011); the convention on "The Condition of First and Second Generation Immigrant Women in Italy (Brescia 2002); "Disciplinary Law In The Judiciary" (Rome, Corte Cassazione 2012); "Gender Violence and Violence Witnessed By Minors" (Rome, Brescia and Bergamo, 2013 and then Venice 2014); Family and Juvenile Law" (Roma and Verona, 2013); "The Organisation of Judiciary Offices" (Roma, Corte Cassazione 2013); "Gay Couples' Rights and Minors With Same Sex Parents" (Brescia, 2014); "Infibulation and Contrast to Genital Mutilation" (Brescia, 2015); and lastly, in 2015, a meeting at the Corte di Cassazione in Rome, assessing Between Equality and Difference: Where Are We?", a title that recalls ADMI's first convention held in 1991, 25 years ago.

ADMI and the A.N.M's Comitato Pari Opportunità (Equal Opportunity Committee), organised a convention that took place on 27 September 2013, to celebrate the fiftieth anniversary of women's admission to the judiciary. Eminent spokespersons, including three woman ministers, the minister of justice, professors, jurists and politicians addressed a large audience that also included high state authorities.

Further, ADMI has met women judges from a number of other countries. In 2015, alone, we attended meetings with judges from Morocco (Reggio Emilia, April 2015) and Argentina (Rome, September 2015). ADMI's President and some of its members also have participated in IAWJ Biennial Conferences in Panama City, Panama, Seoul, South Korea, London, United Kingdom and Arusha, Tanzania.

This year, in order to breathe new life into our association, ADMI completely rerouted its direction with a new president and new directive council. Intent on reaching out to find new members, we hope to remedy the last few years of stagnation, abstention and the retreat from "associationism", which afflicted our country and ADMI, as well.

ADMI also cooperated with Professor Annamaria Isastia, a history professor at the University La Sapienza in Rome, who wrote about ADMI's history in a book entitled "Donne in Magistratura." (2013). In 2014, as part of its effort to halt the spread of gender violence and its impact on minors, ADMI contributed to the opening of the first public "Sportello Violenza" (ATM Violence) at the Palace of Justice in Brescia. A second "Sportello Violenza" opened this year in Perugia's Palace of Justice.

In addition, ADMI has modernized its logo, and web site found at www.donnemagistrato.it. ADMI also has created a Twitter page (@DonneMagistrato) and this past February revived publication of its newsletter, now in web format at www.giudicedonna.it.

ADMI's President also presented a paper at an important meeting about judicial associations at an ANM Extraordinary Assembly in the Suprema Corte di Cassazione on 9 November 2014. The paper is available on its website.

In June of this year, ADMI firmly opposed the Nuovo T.U.-Testo Unico Dirigenza (New T.U. Consolidated Leadership), contending that it discriminates against the few women judges who perform executive functions in Italy. ADMI wrote to the C.S.M. governing body, to the President of the Republic who presides over it, to all councillors and to the Ministry of Justice, stating the reasons for our dissent. The letter, which may be found on ADMI's website, has received attention from the national press.

Currently, arrangements are underway for an important conference to take place in the fall of 2015 at the Consiglio de Stato in Rome with the participation of the ANM (CPO), the administrative judiciary, and the accountant judiciary (CPO) where executive and semi-executive positions will be considered. Finally at year's end, ADMI will celebrate its first 25 years of activity at a meeting focusing on "women and science" and concluding with a big party in Rome.

Future Goals

Because the C.S.M. has far-reaching control over matters affecting the judiciary, ADMI will urge that gender quotas be set to overcome a longstanding dearth of women in positions of authority. Today, women comprise approximately 50 per cent of the judiciary in a universe of 9,000 judges. In the near future, women will constitute the majority since in the last three competitive state exams they totalled 65 per cent of all designated judges. Significantly, in 2012, the Associazione Nazionale Magistrati modified its statute so that 30 per cent of its women candidates can be elected to the governing council. ADMI hopes to obtain at least an analogous result.

ADMI also will seek to further implement equality principles in the nation's judiciary, in its jurisprudence and in the administration of justice. Moreover, ADMI looks forward to expanding its contacts with other IAWJ national associations by hosting a regional meeting.



Carla Lendaro, President
Associazione Donne Magistrato Italiane

