

## SECONDMENT REPORT

### 2022 Exchange Program organized by the International Association of High Administrative Jurisdictions (AIHJA/IASAJ)

#### Training placement at the Supreme Court of Spain (Madrid, Spain)

October 17 to 28, 2022

*Ana María Charry Gaitán*

One of the main characteristics of the globalized world is the interdependence and integration of communities on a worldwide scale. This phenomenon allows the exchange of knowledge and experiences among actors from different regions and countries to build a dialogue and common development agendas. The exchange program led and coordinated by the International Association of High Administrative Jurisdictions (AIHJA/IASAJ) is an example of this phenomenon of integration within the framework of the knowledge society.

The possibility of learning first-hand about the work, concerns, and approaches of peers in the judicial field in a center-periphery exchange dynamic makes it possible to enrich the exercise of the function itself and to propose possibilities for improvement based on successful experiences at the international level.

In my particular case, the observation visit allowed me to get to know in depth the Spanish model, which has profound differences with the Colombian model, which follows the French scheme. In particular, they are distinguished by the division of the advisory function from the contentious function in the contentious-administrative jurisdiction, which covers a slightly wider range of functions and subjects to be known with a scheme of greater autonomy and service capacity.

Finally, I would like to express my gratitude for such an important experience that will allow me to consolidate proposals inspired by the Spanish model to achieve processes of adaptation of strategies to enrich our role as judges and the service we provide in pursuit of the materialization of fundamental rights and the Social Rule of Law.

Below is a detailed description of the activities conducted during the visit.

#### ACTIVITIES CONDUCTED DURING THE TRAINING PLACEMENT

##### Monday, October 17, 2022:

- Reception by the Magistrate of the Third Chamber (Contentious-Administrative) of the Spanish Supreme Court as tutor magistrate for the training placement. *Excmo. Honorable Sir. Fernando Román García.*

- Visit and interview with the President of the Third Chamber (Contentious-Administrative) of the Spanish Supreme Court, *Hon. Honorable Sir. César Tolosa Tribiño*.
- Reception by the Coordinating Magistrates-Lecturers of the Technical Office of the Contentious-Administrative Chamber of the Supreme Court. *Ilma. Honorable Ms. Sandra González de Lara Mingo. Ilmo. Honorable Sir. Carlos Romero Rey*.
- General explanation of the composition, organization, and operation of the Spanish Supreme Court by Spanish Magistrates.
- General explanation of the composition, organization, and operation of the Colombian State Council by Justice Ana María Charry Gaitán.
- Guided visit to the Supreme Court (Puerta Marqués de la Ensenada) (Ángel Luis).

Tuesday, October 18, 2022:

- Visit to the Constitutional Court. Reception by the President's Chief of Staff, *Ilmo. Honorable Sir. Antonio Ramos Membrive*.
- Explanation of the composition, organization, and operation of the Constitutional Court. By the Chairman and the Secretary General, *Ilmo. Honorable Sir. Andrés J. Gutiérrez Gil. Sala de Togas*.
- General explanation of the composition, organization and functioning of the Constitutional Court of Colombia by Dr. Ana María Charry Gaitán.
- Guided tour of the Court's facilities by the staff of the President's Office (courtroom, courtroom, and lobby).
- Accompaniment of the *Ilma. Honorable Ms. María Victoria Muñoz González*, Lawyer Magistrate of the Technical Office of the Contentious Chamber of the Supreme Court.
- Guided visit to the Constitutional Court.
- Farewell by the Secretary General of the Constitutional Tribunal.

Wednesday, October 19, 2022:

- Visit to the General Council of the Judiciary - CGPJ (Marqués de la Ensenada street in front of the Supreme Court).
- Reception by the International Relations Counsel of the CGPJ, Ilmo. Honorable Sir. Francisco Javier Forcada Miranda.
- Explanation of the composition, organization, and operation of the General Council of the Judiciary - CGPJ
- Explanation of the composition, organization and functioning of the Superior Council of the Judiciary by Dr. Ana María Charry Gaitán.
- Guided visit to the General Council of the Judiciary.

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- Visit to the Audiencia Nacional Division – contentious-administrative room (Goya Street, 14). Ilmo. Honorable Sir. Eduardo Menéndez Rexach, President of the Contentious-Administrative Chamber of the Audiencia Nacional.
- Explanation of the composition, organization, and operation of the Audiencia Nacional - Administrative Chamber.
- Explanation of the composition, organization and functioning of the Judicial Branch in Colombia by Dr. Ana María Charry Gaitán.
- Guided visit to the Audiencia Nacional.

Thursday, October 20, 2022:

- Visit to the Supreme Court of Justice (Calle del Gral. Chestnut trees, 1).
- Interview with the President of the Contentious-Administrative Chamber of the Supreme Court of Justice of Madrid, *Ilmo. Honorable Sir. Juan Pedro Quintana Carretero*.
- Explanation of the composition, organization and operation of the Administrative Courts of the Autonomous Communities and the Spanish federalist system by the Chairman.
- Explanation of the composition, organization and functioning of the territorial organization of administrative courts and tribunals in Colombia and the Colombian administrative decentralization system by Dr. Ana María Charry Gaitán.
- Guided visit to the Supreme Court of Justice of Madrid.

Friday, October 21, 2022:

- Visit to the National Commission of Markets and Competition (CNMC, as per its acronym in Spanish) (Calle Alcalá, 47).
- Interview with the President and Vice President of the National Commission of Markets and Competition (CNMC), *Excma. Honorable Ms. Cani Fernández Vicién*.
- Explanation of the composition, organization, and operation of the CNMC by the President and Vice-President of the Commission, and the prior advisory role they have in market, competition, energy and telecommunications matters, and the subsequent review by the Spanish State Council.
- Explanation of the composition, organization, and operation of the different superintendencies in these matters in Colombia by Dr. Ana María Charry Gaitán.
- Guided visit to the National Commission of Markets and Competition.

Monday, October 24, 2022:

- Visit to the State Council (Calle Mayor, 79)
- Reception by the Secretary General of the State Council, *Excma. Honorable Ms. Guadalupe Hernández-Gil Álvarez Cienfuegos*.
- Explanation of the history, composition, organization, and operation of the Spanish State Council by the Secretary General and Magistrate Cristobal Rodríguez.
- Explanation of the history, composition, organization, and operation of the State Council and particularly of the Consultation and Civil Service Chamber by the President of the SCSC of Colombia, Dr. Ana María Charry Gaitán.
- Guided visit to the State Council by Magistrate Cristóbal Rodríguez.

Tuesday, October 25, 2022:

- Attendance at the deliberation of the Fifth Section of the Third Chamber (Contentious-Administrative) of the Supreme Court. *Excmo. Honorable Sir. Octavio Herrero Pina*, President of the Fifth Section of the Third Chamber of the Supreme Court.
- *Participation in the topics discussed with the formulation of questions and contributions on the comparative theme with Colombian administrative and constitutional law by the Judge Ana María Charry Gaitán.*

Wednesday, October 26, 2022:

- Attendance at the deliberation of the Admission Section of the Third Chamber (Contentious-Administrative) of the Supreme Court, *Hon. Honorable Sir. César Tolosa Tribiño*, President of the Chamber.
- *Participation in the topics discussed on the admission of cases for cassation in administrative matters with formulation of questions and contributions on the comparative theme with Colombian administrative and constitutional law by the Judge Ana María Charry Gaitán.*

Thursday, October 27, 2022:

- Visit to the Ombudsman (Calle de Zurbano, 42). *Excmo. Honorable Sir. José Manuel Sánchez Saudinós*, Secretary General of the Town.
- Explanation of the composition, organization and functioning of the Ombudsman's Office in Spain by the Secretary General and the Ombudsman's working team.
- Explanation of the competencies and operation of the Ombudsman's Office in Colombia by Magistrate Dr. Ana María Charry Gaitán.

Friday, October 28, 2022:

- Detailed explanation of the composition, organization, and operation of the State Council in Colombia before members of the Third Chamber (Contentious-Administrative) of the Supreme Court. Judge Ana María Charry Gaitán.
- Detailed presentation on the composition, organization and operation of the Civil Service and Consultation Chamber of the State Council. Judge Ana María Charry Gaitán.
- *Farewell Ceremony and Closing of the placement.*