UNITED NATIONS
HUMAN RIGHTS
SPECIAL PROCEDURES
SPECIAL RAPPORTEURS, INDEPENDENT EXPERTS & WORKING GROUPS

"We must reclaim and defend the value of an independent and impartial justice system"

Statement by the UN Special Rapporteur on Independence of Judges and Lawyers, Margaret Satterthwaite on the Day of Judicial Independence, 11 January 2025

Geneva (10 January 2025) - On 11 January 2020, judges from many countries in Europe gathered in Warsaw in what became known as the "1000 Robes March." Answering the call of independent Polish judges, the European judges joined their Polish colleagues and citizens in their protest against laws which fundamentally undermined the independence of the judiciary. It was the greatest demonstration of judges in contemporary Europe, uniting thirty thousand people, including hundreds of judges from more than twenty European countries.[1] Together, judges and citizens marched in Warsaw from the Supreme Court through the Presidential Palace, to the Polish Parliament.

On 27 March 2023, the International Association of Judges (IAJ), proposed that the United Nations proclaim 11 January as the "International Day of Judicial Independence - 1000 Robes March" to mark the brave and peaceful call of judges to protect the independent and impartial judiciary to which all citizens of the world are entitled.

"As Special Rapporteur I support this initiative, which emphasizes the importance of an independent judiciary for human rights protection, for the rule of law, for strong democracies and for peace", Margaret Satterthwaite, UN Special Rapporteur on Independence of Judges and Lawyers declared. "Judicial independence ensures the ability of judges to perform their duties free of undue influence or control from other actors, regardless of whether these actors are private or governmental".

[1] Austria; Belgium; Bulgaria; Croatia; Czechia; Denmark; Estonia; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; the Netherlands; Norway; Portugal; Romania; Slovakia; Slovenia; Spain; and Türkiye.

The independence of the judiciary is not a privilege extended to judges, rather, it is a key human rights protection, a requirement that ensures the right to a fair trial and equal access to justice for all, the Special Rapporteur explained.

“When an individual enters a courtroom, they must be able to trust that no one is pressuring the judge to rule in a certain manner. They must know that the judge does not owe allegiance to a specific party or to a particular leader. Instead, each and every judge must be free from pressure, free form interference and fear. Judges must be able to review the facts and law and issue a just decision. Judicial independence is a guarantee of the right to a fair trial to which we are all entitled as human beings”, she explained.

The Universal Declaration of Human Rights and International Covenant on Civil and Political Rights protect judicial independence. The United Nations Basic Principles on the Independence of the Judiciary[2] further explain that judicial independence should be secured by enshrining it in law, thus ensuring respect by all actors. Protecting the independence of the judiciary entails guarantees of freedom of expression and association for judges; clarity on appointment procedures, qualifications, selection and training for judges; clarity on appropriate conditions of service and tenure; and on professional protection, as well as procedures for appropriate discipline, suspension and removal.

“Judicial independence also underpins strong democracies and prevents the abuse of power”, Satterthwaite said. “Rule of law entails that, in democratic societies, people are equal under the law, with no one standing above it. For instance, independent judicial review serves to check executive and legislative excesses. By upholding the rule of law, through fostering the separation of powers, the independence of the judiciary ensures the protection of human rights for all”.

“My mandate has seen the principle of judicial independence repeatedly misunderstood and endangered in many parts of the world in the last year”, Satterthwaite said. “For example, in many countries, the judiciary is facing reforms that undermine its independence, threats to its functioning brought by resource cuts, or threatening statements by those elected to high office”.

“Under the guise of “reforms”, there may be covert efforts to control who is appointed to the courts, legislative limits on what judges may adjudicate, or cuts to their resources”, the Special Rapporteur warned. “How can the right to a fair trial be ensured in situations where the appointments of judges are not transparent, or merit based? Even more concerning, what happens when judges are cowed into submission by threats, by lack of resources and protection, or by outright attacks?”

[2] Adopted in 1985 by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by the General Assembly in its resolutions 40/32, on 29 November 1985 and 40/146, on 13 December 1985.

The Special Rapporteur recalled that in Tunisia[3], on February 12, 2022, as part of a purported war on corruption, the President replaced the Council of the Judiciary by decree, summarily replacing it with a Provisional High Judicial Council named by the President. The same decree gave the president the power to intervene in the appointment, career tracks, and dismissal of magistrates. On June 1, 2022, the President granted himself, by decree, the power to unilaterally dismiss judges and prosecutors. That same day, he fired 57 judges and prosecutors by decree, accusing them of financial and “moral” corruption. Almost three years later, the Ministry of Justice has assumed functions related to judicial appointments and is transferring judges, presumably punishing critical judges, and rewarding less critical judges.

“I have expressed my serious concern about the sweeping judicial reform in Mexico[4], through which the appointment of all federal judges will be by popular vote and no longer based only on merit. This dramatic change occurred at the same as budget cuts to the Judiciary. The reform essentially fired more than a thousand judges and sets up an appointment mechanism that may undermine the quality and impartiality of adjudication in the country”, Satterthwaite warned.

“Judges are increasingly subject to denigrating, demeaning, and threatening attacks on social media and in the press, including by high-level public officials”, the expert noted. “For instance, I was very concerned that in the United States of America[5], the current President-elect labelled specific judges and prosecutors as “corrupt puppets”, politically motivated, and made statements that led to actions by supporters that constituted threats to life and integrity of justice officials. Reports suggest that the incoming administration may seek to appoint as judges those seen as "loyal” and to investigate and criminalize rivals, seeking to transform the justice system into a weapon of “retribution”. At a time when confidence in the judicial system in the United States has dropped precipitously, stated plans to weaponize justice are especially damaging[6]”.

“Of course, judges are not perfect, and it is vital that States do not punish or censor legitimate criticism of public officials, including judges. But judges should benefit from the general protections afforded to all citizens not to be harassed, defamed, or otherwise attacked by government officials. Such attacks have the effect of intimidating judges from acting with due impartiality, particularly in cases involving the government or their supporters. These attacks also subvert the status of judges in society, so that citizens may be less likely to protest at steps that reduce their independence, or their power to act as a check on Executive power”, the expert said.

“We must recapture the true meaning of judicial independence. Impartial and independent justice is a guarantee for all of us—one that ensures fair trials and equal access to justice. Independent judges are facing serious risks and need our support,

[3] AL TUN 5/2022, AL TUN 6/2022, AL TUN 2/2023, AL TUN 2/2024.
[4] MEX 11/2024, MEX 11/2023.
[5] USA 19/2024.
[6] https://news.gallup.com/poll/653897/americans-pass-judgment-courts.aspx.

Satterthwaite concluded. “I strongly support the IAJ initiative to commemorate January 11, and I call on Member States to sponsor a General Assembly resolution establishing an official Day of Judicial Independence”.

The expert: ***Margaret Satterthwaite,*** *Special Rapporteur on the independence of judges and lawyers*.

The Experts are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council’s independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent of any government or organisation and serve in their individual capacity.

Follow news related to the UN's independent human rights experts on Twitter *@UN_SPExperts*.