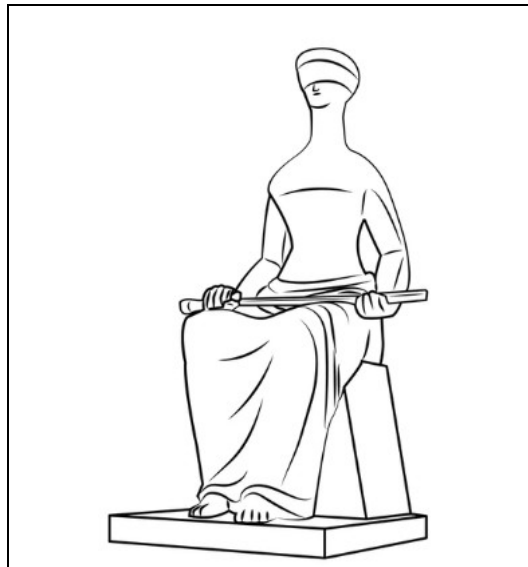


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The Role of National and International Judicial Associations in the Defense of Judicial Independence



*Paper for the International Conference on the subject:
“The Role of Judicial Associations”
organised by the International Association of Judges (IAJ)
in co-operation with the Associação Sindical dos Juizes Portugueses
Lisbon – 18 October 2026*

“By virtue of their role and work, associations of judges may provide a decisive contribution to the functioning of the justice system and the rule of law.”

(CONSULTATIVE COUNCIL OF EUROPEAN JUDGES, Opinion No. 23 (2020) on
“The role of associations of judges in supporting judicial independence,”
Conclusions and recommendations, 6).

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1. Foreword: A Concrete Example of International Solidarity around a National Association—The Case of Turkey.

I would like to open my contribution with the following two sentences. The first is: “The King of Great Britain (...) has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers. He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.”

And now the second: “The rule of law: the certainty of stable and accessible rules, an independent judiciary resolving disputes and delivering impartial justice. These features created the conditions for centuries of unmatched economic growth in our two countries.”

The first quotation is taken from the *Declaration of Independence of the thirteen united States of America*, adopted by the Second Continental Congress on 4 July 1776. The second is an excerpt from King Charles III’s Address to the United States Congress on 29 April 2026.¹

In today’s world, it may happen that, two hundred and fifty years after the declaration of independence of the British Colonies in North America, the descendants of those rebellious settlers find themselves reminded of the importance of respecting an independent and impartial judiciary by the direct descendant of the very monarch once accused by those founding fathers of disregarding the principle of the separation of powers.

This is occurring, as we know, in the United States of America, yet other countries have fared even worse. In the mind of every judge in the world, the following words should remain indelibly engraved: “As someone who has personally seen the terrible face of oppressive regimes and felt the pain of this, I try to follow your work as much as I can (...). Your work sheds light on us in these dark days. You give us hope. You give us stamina. You bear our burden. (...). You have brought practice to the concept of solidarity. You are our source of hope.” This time I quoted some excerpts from a letter sent in 2020 to the then President of the International Association of Judges (IAJ), by Judge Murat Arslan, President of YARSAV, the Turkish association of judges and public prosecutors, which was dissolved in 2016 and whose members were persecuted by the current Turkish regime.

He was deprived by his own government of his judicial office and left to languish in prison, where he has now been held for ten years, together with thousands of colleagues, “guilty” solely of defending the idea of an independent judiciary. Murat Arslan, along with thousands of Turkish colleagues, thus places himself in the lineage of that “rebel judiciary” which has historically opposed executive power in the name of the principle of judicial independence.

This tradition finds its noble forebears in figures such as the French judge Olivier Le Fèvre d’Ormesson, rapporteur in the trial of Louis XIV’s former Superintendent of Finance, Nicolas Fouquet.² It also includes renowned French judges and legal scholars such as Michel de l’Hospital, Henri-François d’Aguesseau, Omer Talon and many others who, even before the development of

¹ See *Declaration of Independence of the thirteen united States of America*, adopted by the Second Continental Congress on 4 July 1776, <https://www.archives.gov/founding-docs/declaration-transcript>; *King Charles III’s Speech to USA Congress*, 29 April 2026, <https://apnews.com/article/king-charles-iii-us-congress-speech-9ff638ae63a41289dbd9ebfbb550e40e>.

² In response to the repeated requests of the Sun King to secure a swift death sentence, the judge sent word that “*la cour rend des arrêts, non des services!*”— that is, “the court delivers judgments, not favours.” See MULLER, *Voyages à travers l’histoire et le langage*, Paris, 1889, p. 149. It should be noted, however, that other historical sources attribute the remark to Séguier, First President of the *Cour royale* of Paris, who is said to have replied in these terms to the pressure exerted by the Prince of Polignac, Charles X’s foreign minister (see KIRITHOGLU, *Un miracle comme on en voit peu*, Amsterdam, Brussels, Paris, 1858, p. 166).

Montesquieu's thought and the spread of Enlightenment theories, engaged in epic confrontations with the absolute power of their kings.³

In 2017, thanks to the influence of international judicial associations and, in particular, of the International Association of Judges (IAJ), Murat Arslan was awarded the prestigious Václav Havel Human Rights Prize of the Council of Europe. In the meantime, he had been sentenced by a court in Ankara to ten years' imprisonment, in a decision that Professor Diego García-Sayán, United Nations Special Rapporteur on the Independence of Judges and Lawyers, described as "not transparent" and not compliant with the "criteria for judicial proceedings designed to safeguard the legal rights of the individual".⁴ The letter from Murat Arslan—together with the many others that the International Association of Judges receives almost daily from colleagues who, together with their families, find themselves in difficulty—demonstrates more effectively than any abstract reflection the practical importance of international judicial associations.

Without entering into the details of the IAJ's work, I can say that, in the case of Turkey, in addition to the "usual" activities of our organisation—issuing resolutions and recommendations, sending letters to international bodies (United Nations, Council of Europe, European Union, etc.), dispatching delegations on the ground, appointing independent observers in trials against colleagues, and so forth⁵—the International Association of Judges decided, in 2016, to establish a special fund to assist judges and prosecutors, as well as their families, who had fallen victim to the persecutions of their regime.⁶

Here too, without dwelling on aspects that are, as you can easily imagine, confidential, it may be noted that over the past ten years the IAJ has disbursed sums—donated by judges, judicial associations and judicial bodies from all over the world—amounting to approximately €300,000, intended to support the families of Turkish judges and prosecutors who have been persecuted by the regime, deprived of their functions and often imprisoned. A Committee specially established within the European Group of the IAJ was entrusted with examining requests for assistance and approving disbursements, through a network that operated confidentially but in constant contact with the IAJ.

³ All this took place, moreover, against the backdrop of the recurrent frictions between the Crown and the *Parlements*, which were judicial bodies *lato sensu* comparable to today's courts of appeal (the most authoritative text on the history of the French *parlements* remains DE LA ROCHE FLAVIN, *Treize livres des Parlemens de France*, Genève, 1621, pp. 6 ff.). The most significant clashes concerned the *Parlement* of Paris, particularly on matters such as the registration of royal edicts or the presentation of *rémontrances* against acts of royal authority (on these issues see ROUSSELET, *Histoire de la magistrature française des origines à nos jours*, I, Paris, 1957, pp. 337 ff.). This is to say nothing of the *arrêts de règlement*, through which the courts of the time came to exercise quasi-legislative powers, albeit within limited spheres. By way of example, the judgment of the *Parlement* of Aix-en-Provence of 19 February 1685 not only declared null a consensual separation recorded by a notary, but also prohibited all notaries from receiving such deeds in the future (see MERLIN, *Dizionario universale ossia repertorio ragionato di giurisprudenza e questioni di diritto*, Italian ed., III, Venezia, 1835, p. 766 f.; see also BASNAGE, *Commentaires sur la coutume de Normandie*, in *Œuvres de maître Henri Basnage*, II, Rouen, 1778, p. 91; OBERTO, *Gli accordi sulle conseguenze patrimoniali della crisi coniugale e dello scioglimento del matrimonio nella prospettiva storica*, note to Cass., 20 March 1998, no. 2955, in *Foro it.*, 1999, I, c. 1316 ff.). For the decision of the *Parlement* of Paris of 14 February 1602, which had previously imposed a similar prohibition on judges, see CHENU, *Cent notables et singulières questions de droit*, Paris, 1606, p. 227.

⁴ See <https://www.ohchr.org/en/press-releases/2019/02/turkey-must-ensure-fair-appeal-judge-murat-arслан-after-gross-attack?LangID=E&NewsID=24140>.

⁵ For a collection of the most relevant initiatives of the IAJ in this field see <https://www.iaj-uim.org/solidarity-news-and-documents-about-yarsav/>, and <https://www.iaj-uim.org/platform-for-an-independent-judiciary-in-turkey/>.

⁶ See <https://www.iaj-uim.org/news/bank-account-for-the-provident-fund-of-the-iaj-on-turkey-and-other-emergency-situations-affecting-the-judiciary-in-europe/>.

2. National and International Judicial Associations in the Stormy Framework of the Contemporary World.

Over the past few years, the number of European countries—let alone those on other continents—that have begun to display serious problems concerning judicial independence has continued to grow, in some cases exponentially.

Among the most recent examples, it suffices to mention the situation in Poland, where the IAJ, in cooperation with the national association IUSTITIA, launched a significant and highly intensive series of initiatives⁷ both before and after the widely publicised “March of the 1,000 Robes”. Indeed, on 11 January 2020, this event brought together a large number of judges from across Europe in the streets of Warsaw to demonstrate their solidarity with their Polish colleagues and to express concern about the dismantling of the rule of law in that country.⁸ Subsequently, we sought—and continue to seek—to persuade the United Nations to proclaim 11 January as the “International Day of Judicial Independence.”⁹ In this context, we have organised several events, including a webinar in January 2026 and a conference held at the European Parliament in Brussels on 14 January 2026.

Unfortunately, the cases I have just mentioned are far from isolated. To recall only some of the events that have shaken the European and global judiciary in recent years, one need only think of developments in Greece, Montenegro, Romania, Slovakia, Hungary¹⁰ and Italy.¹¹

Furthermore, the humanitarian emergency in Turkey has, in some respects, been replicated—albeit in different and in certain ways even more dramatic forms—in Afghanistan, where the IAJ was called upon to cooperate in a rescue operation that involved the physical transfer of hundreds of judges and prosecutors, both women and men, out of the country. This took place in a highly complex international context that required, and still requires, unprecedented forms of cooperation with the governments of various countries in order to coordinate this commendable activity.¹²

Shortly thereafter came the brutal Russian invasion of Ukraine and the ensuing humanitarian catastrophe which, for obvious reasons, could not fail to affect the judiciary¹³—particularly in a country whose association of judges has been an active member of the IAJ since 2004.

More recently, Africa has likewise not been spared such challenges. Since 2022, the IAJ has been closely monitoring developments in Tunisia. Here too, we have created a dedicated section on our website to present our activities in this area¹⁴. Several official statements have been issued by both the African Group of the IAJ and the Presidency Committee since the dissolution of the Tunisian High Judicial Council and the government’s subsequent repressive measures against the Association of Tunisian Judges and its President, Mr Anas Hmedi. Moreover, Judge Hmedi was awarded in Taipei in 2023 the IAJ Prize for Judicial Independence. It is also worth recalling the role played by IAJ Honorary President Christophe Régnard in organising and conducting a mission and conference on this matter in Tunis in 2022, as well as the commitment shown by another Honorary President of the IAJ, Mr

⁷ See <https://www.iaj-uim.org/solidarity-news-and-documents-about-poland/>.

⁸ See <https://www.iaj-uim.org/news/march-in-warsaw-article-from-the-president-of-the-portuguese-association-of-judges-manuel-ramos-soares/>.

⁹ With regard to this date, mention should also be made of the proposal for a “Bill to Establish Judicial Independence Day,” recently introduced in the Senate of Canada by Senator Moreau (see <https://www.parl.ca/LegisInfo/en/bill/44-1/s-291>), which aims to designate 11 January throughout Canada as “Judicial Independence Day.”

¹⁰ In order to retrieve such topics, the reader has just to fill in the research template, in the official IAJ web site, with the names (in English) of the concerned countries: see <https://www.iaj-uim.org> (in particular, the “Search” section).

¹¹ The particular case of Italy will be discussed later; see *infra*, para. 3.

¹² For some details on this topic see <https://www.iaj-uim.org/solidarity-news-and-statements-about-afghanistan/>.

¹³ For some details on this topic see <https://www.iaj-uim.org/solidarity-news-and-statements-about-ukraine/>.

¹⁴ See <https://www.iaj-uim.org/iuw/solidarity-news-and-statements-about-tunisia/>.

José Igreja Matos, during the meeting of the African Group in Tunis in the same year. More recently, we have also proposed and supported Mr Hmedi's nomination for the 2026 edition of the Václav Havel Prize of the Council of Europe.

The situation in Niger is likewise particularly worrying. In 2025, the Presidency Committee and the Central Council of the IAJ issued statements condemning the unlawful dissolution by the national government of the Autonomous Union of Judges of Niger—the free association of Nigerien judges, a member of the IAJ since 1997¹⁵.

The American continent has also been the source of numerous concerns regarding judicial independence. The IAJ has recently taken part in an international initiative in support of judges in Guatemala, notably through an official mission that travelled to the country in April 2026¹⁶. We also issued a statement concerning the assaults suffered by a Costa Rican judge, condemning the violence to which she was subjected and recalling that the security of judges is an essential condition for the proper functioning of justice¹⁷. The same is true for the case of the assassination of a Bolivian judge.¹⁸

Needless to say, the United States has also become a matter of concern. For instance, the current US administration revoked the US visa of the Costa Rican Constitutional court judge Fernando Cruz, a decision reportedly linked to his rulings in favour of migrants' rights.¹⁹ In the course of 2025 and 2026, the IAJ Presidency Committee issued four statements in support of the International Criminal Court, its judges and all its officials. It called on all States to respect the Court's mandate, to comply with their obligations under the Rome Statute, and to refrain from any action or rhetoric liable to undermine its independence, impartiality or proper functioning. The Committee therefore expressed strong criticism of the sanctions policy adopted by the United States government against the Court.²⁰

It is precisely in view of all the activities carried out by the IAJ in the field of protecting judicial independence that, in February 2026, a member of the Norwegian Parliament proposed the joint nomination of the IAJ and the ICC for the Nobel Peace Prize, emphasising the crucial role played by our organisation in safeguarding the rule of law and, consequently, peace worldwide.²¹

The real storms that have struck judges and prosecutors in various parts of the world in recent years have, in a sense, reshaped the traditional vision of international exchanges between judges. The genuine "trial by fire" through which advocates of an effective separation of powers have

¹⁵ See https://www.iaj-uim.org/iuw/documenti/iaj-resolution-on-niger_2025/.

¹⁶ See *infra*, at para. 5.

¹⁷ See <https://www.iaj-uim.org/iuw/iaj-statement-on-the-aggressions-suffered-by-a-costa-rican-judge/>.

¹⁸ See <https://www.iaj-uim.org/iuw/iba-statement-on-the-assassination-of-judge-victor-hugo-claure-hinojosa-bolivia/>.

¹⁹ See <https://www.iaj-uim.org/iuw/disturbing-news-us-revokes-visa-of-costa-rican-constitutional-court-justice-who-defended-migrants/>.

²⁰ See following statements of the IAJ Presidency Committee: 18 February 2025, <https://www.iaj-uim.org/iuw/wp-content/uploads/2025/02/IAJ-Presidency-Committee-Statement-Febr.2025.pdf>; 23 December 2025, <https://www.iaj-uim.org/iuw/wp-content/uploads/2025/12/IAJ-PC-Statement-on-ICC.pdf>; 12 August 2026 (with the European Network of Councils for the Judiciary, ACA-Europe and the Network of Presidents of the Supreme Judicial Courts of the European Union), <https://www.iaj-uim.org/iuw/wp-content/uploads/2026/08/Joint-Statement-ICC.pdf> and 20 August 2026, https://www.iaj-uim.org/iuw/wp-content/uploads/2026/08/IAJ-Statement-on-ICC_August-2026.pdf.

²¹ By the way, in October 2026, the Nobel Peace Prize has been awarded to Navi Pillay, a judge and a staunch supporter of judicial independence, former President of the International Criminal Court, an institution to which the International Association of Judges has many times expressed full support. Even though the Prize was ultimately not conferred upon the IAJ, the mere fact that such a proposal was formally submitted represents, in itself, a highly significant acknowledgement of the importance of the struggle that the IAJ has pursued since as far back as 1953 to safeguard, throughout the world, the principle of judicial independence as a fundamental requirement of the rule of law.

passed—and continue to pass—in these demanding times has greatly contributed to the emergence of new forms of cross border judicial association.

The rule of law, which until now we had regarded as the framework within which political and institutional debate unfolded, has itself become a matter of contention and is today being called into question within the very systems that once nurtured it.

The International Association of Judges has therefore been compelled to rethink and reorganise the activities of a body which, in more than seventy years of existence, had acquired considerable experience in the exchange of views, the organisation of international conferences and meetings, and the drafting of documents, but which must now devise entirely new tools and methods of cross border cooperation among judges from different countries.

Indeed, on closer inspection, the icy wind of repression against the principle of the separation of powers, which has been blowing for quite some time in Europe and beyond,²² has deep historical roots and finds further nourishment today, first in the social, economic and legal consequences of the pandemic, and secondly in the various wars that are ravaging our age. The general climate of intimidation and fear for the physical safety of citizens naturally strengthens the executive at the expense of judicial independence. All this takes place in a broader context in which, contrary to the expectations of many, the creation and development in various European systems of self-governing bodies (High Councils) of the judiciary *à l'italienne*—instead of supporting judges—seem, on the contrary, to intimidate and unsettle them.²³

3. A Symptomatic Case: The Role Played by the National Association of Italian Judges in the 2026 Referendum Campaign.

A very good example of the importance of coordinated action by a national judicial association is provided by the role played in Italy by the *Associazione Nazionale Magistrati* (ANM – National Association of Judges and Prosecutors) during the 2026 constitutional referendum concerning the proposed separation between judges and prosecutors. The referendum—held on 22–23 March 2026—was a moment of exceptional democratic significance, as voter turnout exceeded expectations and thereby strengthened the political legitimacy of the decisive rejection of the reform. Although publicly presented as a “referendum on justice,” the proposal in fact concerned a highly technical restructuring of the judiciary, centred on the creation of two distinct magistracies and the fragmentation of the *Consiglio Superiore della Magistratura* (CSM).

The Italian Constitution of 1947 conceived the judiciary—composed of judges and prosecutors—as a unified body, differentiated only by functions, and endowed with the same guarantees of

²² For further reflections on this topic, see OBERTO, *La separazione dei poteri e l'ordinamento giudiziario*, available as of 30 November 2019 in .pdf format at the following URL: https://www.giacomooberto.com/Oberto_La_separazione_dei_poteri_e_l_ordinamento_giudiziario_versione_originale.pdf.

²³ As some recent analyses have pointed out, many European judges do not feel adequately protected by their respective bodies of judicial self government: “The Euro-model shields the judiciary from external influence, but it pays little attention to improper pressure on individual judges (...) [It] empowers only a narrow group of judges who in turn may favour their allies and shape the judiciary according to their views. Therefore, a wider range of powers of the Councils should contribute to a reduction in the perception of the institutions as detrimental of judicial independence.” See CASTILLO ORTIZ, *Councils of the Judiciary and Judges’ Perceptions of Respect to Their Independence in Europe*, in *Hague J Rule Law* (2017) 9, p. 319.

independence. The reform would have replaced the single CSM with two separate Councils—one for judges and one for prosecutors—together with a new so-called High Disciplinary Court, whose members, like those of the two Councils, would have been selected by lot.

Against this background, the ANM adopted a deliberately institutional posture, intervening not as a political actor but as a guardian of constitutional legality. The Association framed its engagement within the boundaries of constitutional responsibility, maintaining neutrality towards political parties, focusing on the constitutional risks inherent in the reform, and participating selectively in public events in order to avoid partisan confrontation. A central difficulty highlighted by the ANM was the absence of any implementing legislation or draft bills, which prevented citizens from understanding the concrete regulatory framework that would have followed the reform. This legislative vacuum made clear that the government intended to weaken the guarantees of judicial independence, particularly in relation to politically sensitive prosecutions. The ANM also warned that the reform could pave the way for abandoning the principle of mandatory prosecution in favour of discretionary prosecution, thereby placing criminal justice policy under political control.

In a recent essay, the Portuguese-American author Francesco Marconi²⁴ emphasised the importance of “catching early signals” of what later becomes news. The Italian case may be cited as an example of the ANM’s ability to detect early signals of an attack on judicial independence, but also of its capacity to perceive the growing disaffection among Italian citizens towards any project aimed at subverting the anti-fascist Constitution.

A substantive role in the referendum campaign was played by the ANM’s communication strategy, which combined professional expertise with a carefully calibrated public presence. The Association deliberately limited its participation in televised debates, favouring instead a dense network of local meetings, assemblies and public events—estimated at around 3,500 nationwide. This territorial mobilisation enabled judges and prosecutors to engage directly with citizens and to explain the technical implications of the reform without the distortions typical of national political debate. The ANM also relied on specialised communication agencies to craft a coherent narrative, disseminated through targeted social-media campaigns and supported by clear, impactful messages. The campaign’s core arguments stressed that the reform would weaken judicial independence, undermine democratic representation within the CSM through the use of sortition, and create a disciplinary body potentially vulnerable to political influence.

Organisationally, the ANM’s effectiveness stemmed from a highly coordinated internal structure. Territorial sections were mobilised, a dedicated committee—*Giusto dire No*—was established, and centralised information materials ensured uniformity of messaging. Training sessions equipped spokespersons to communicate complex legal issues in accessible terms, while internal communication channels facilitated the rapid dissemination of strategic guidance. The ANM’s longstanding institutional credibility enabled it to present its intervention not as the defence of corporatist interests but as a service to citizens and to the constitutional order.

The broader mobilisation against the reform was articulated through two parallel but interconnected committees: the ANM’s own “institutional committee” and the *Comitato della società civile per il NO*, promoted by major civic and social organisations such as trade unions and cultural associations (CGIL, ARCI, ANPI, ACLI and Libera), and chaired by a renowned jurist. The latter committee operated with a national structure, territorial branches, a scientific council of constitutional scholars, and a coordinated national campaign. Although distinct in nature—the ANM maintaining a strictly technical profile, the civil-society committee adopting a broader socio-political

²⁴ MARCONI, *The Science of First. Catching Early Signals Before They Become News*, New York, 2026.

approach—the two poles remained in dialogue and contributed jointly to anchoring the debate across the country.

In this framework, it is important to underline the Italian model of a single national association of judges and prosecutors. With 93–96% membership, the ANM is uniquely positioned to present a unified institutional stance. Its internal “wings,” while reflecting diverse cultural and professional orientations, function as mechanisms of pluralism rather than political factions. The unity displayed during the referendum campaign strengthened the Association’s authority and its capacity to negotiate with the executive from a position of relative strength.

Finally, the international context played a significant role. Several critical statements were issued by the European Association of Judges (EAJ) and the International Association of Judges (IAJ),²⁵ as well as a formal communication addressed to the Italian Government by the United Nations Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite. Her letter expressed “detailed worries about the reform” and urged careful reconsideration to ensure compliance with international standards of judicial independence.²⁶ These interventions helped counter the argument—frequently advanced by supporters of the reform—that Italy’s unified judicial system represented an anomaly in Europe. On the contrary, international reactions demonstrated that the Italian constitutional model is regarded as a respected reference point.

The victory of the “No” vote resulted from the convergence of the ANM’s institutional campaign, the extensive territorial mobilisation of both committees, and the authoritative support of international bodies. The case may therefore be presented as an instructive example of how judicial associations can intervene responsibly in politically charged contexts, maintaining neutrality while effectively defending the rule of law.²⁷

4. The Role of the International Association of Judges (IAJ) in the Internationalisation of Principles on Judicial Independence.

In the light of the introductory reflections above, the role of international judicial associations today assumes an all-encompassing significance. This is particularly true in a contemporary context

²⁵ See the *Warsaw Resolution of the General Assembly of the EAJ*, 26 April 2024, <https://www.iaj-uim.org/iuw/wp-content/uploads/2024/04/EAJ-Resolution-Italy.pdf> and the *Supplementary Declaration of the General Assembly of the EAJ*, Yerevan, 9 May 2025, https://www.iaj-uim.org/iuw/wp-content/uploads/2025/05/Italy_EAJ-Statement_Yerevan-2025.pdf. As far as the IAJ is concerned, see the *Baku Resolution of the Central Council of the IAJ*, 15 October 2025, https://www.iaj-uim.org/iuw/wp-content/uploads/2025/10/IAJ_Resolution_Italy_Baku25-EN.pdf

²⁶ In October 2025, I personally contacted—on behalf of the IAJ—the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Prof. Margaret Satterthwaite, in order to explain the situation in Italy and to request an official intervention. On 23 October 2025, she indeed addressed a letter to the Italian Government concerning the proposed constitutional amendments relating to the separation of the careers of judges and prosecutors. In this communication, the Special Rapporteur expressed detailed concerns regarding the reform. She concluded by urging a careful examination of the proposed amendments so as to ensure that they strengthen judicial independence and safeguard the right of individuals to a fair and public hearing before a competent, independent and impartial tribunal. The letter addressed to the Italian Government by the United Nations Special Rapporteur on the Independence of Judges and Lawyers is available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30446>.

²⁷ All referred documents concerning the 2026 referendum in Italy are available on the following web page: <https://www.iaj-uim.org/iuw/italian-constitutional-referendum-on-the-judiciary-rejects-the-governments-anti-judge-reform/>. On this issue see as well OBERTO, *Le rôle de l'Association nationale italienne de la magistrature (ANM) dans le référendum sur la (prétendue) réforme de la justice en Italie*, 2025, https://www.giacomooberto.com/Oberto_ANM_et_r%C3%A9f%C3%A9rendum.pdf.

in which, at least in theoretical terms, supranational principles on judicial independence are by no means lacking, as I have sought to demonstrate in various other fora.²⁸

Moreover, as shown by numerous concrete examples drawn from *living law* and from the case-law of international courts, even the elaboration of “simple” soft-law instruments—whether by national and international judicial associations or by bodies such as the Council of Europe or the United Nations—can make a tangible contribution to the implementation of the principles of the rule of law.²⁹

I would like to recall here that, within the broader process of internationalising the principles governing judicial independence, the International Association of Judges (IAJ) has come to play an increasingly active role.³⁰

This organisation, of which I have the honour of serving as Secretary-General, was created in 1953, in the aftermath of the Second World War, with the aim of fostering better understanding among the judicial systems of its member countries. It currently brings together representatives from 93 member countries across all five continents. The IAJ is a non-governmental organisation that does not admit individuals as members; its members are national associations of judges. Each country may be represented by only one association—an important rule in States where several judicial associations exist (for example France, Spain or Portugal). Member associations must be associations of judges; in countries where prosecutors form part of the judiciary (as in Italy, France and many Francophone legal systems), they may participate by virtue of their membership in their respective national associations.

More precisely, IAJ member associations must be freely constituted associations or representative groups of judges in their respective countries, not subject to governmental or external control. Where several associations exist in a given country, the one admitted should be the most representative. This issue does not arise in countries such as Italy, where the *Associazione Nazionale Magistrati* (ANM) is the sole association of judges (and prosecutors), although within it different “wings” express divergent cultural and professional views on the judicial role.

Elsewhere, the situation is handled differently. In France, Spain, Portugal, Belgium and Romania, to mention only a few examples, ideological divisions within the judiciary are expressed not through internal “wings” but through the creation of separate associations. In such systems, judges (and prosecutors, where they belong to the same corps) are often divided into “pro-government” and “anti-government” associations—only for the roles to be reversed when the political majority changes. France offers a well-known example: the historic rivalry between the *Union Syndicale des Magistrats* (traditionally closer to right-wing governments) and the *Syndicat de la Magistrature* (closer to left-wing positions) has for decades generated deep personal animosity among colleagues, culminating in unedifying episodes such as the infamous *mur des cons*.³¹

In recent years, however, the two associations have drawn closer, partly as a result of the political realignments in the country and the need to form a common front against resurgent neo-fascist and sovereigntist movements. One should also mention the beneficial influence of the IAJ which,

²⁸ See, e.g., OBERTO, *La separazione dei poteri e l'ordinamento giudiziario*, op. cit., pp. 8 ff.

²⁹ For a list of cases and their commentaries see OBERTO, *La separazione dei poteri e l'ordinamento giudiziario*, op. cit., pp. 13 s.

³⁰ See <https://www.iaj-uim.org>.

³¹ See, e.g., <https://www.lejdd.fr/Societe/Justice/quest-ce-que-le-mur-des-cons-4009067>, https://fr.wikipedia.org/wiki/Affaire_du_%C2%AB_Mur_des_cons_%C2%BB. A book has been written on this *affaire*: see BILGER, *Le Mur des cons*, Paris, 2019.

together with other European associations, has promoted joint initiatives in support of colleagues in Turkey, Poland, Afghanistan, Ukraine and elsewhere.³²

Returning to the question of membership, associations admitted to the IAJ must demonstrate—both at the time of admission and every three years thereafter, through a dedicated monitoring procedure—that the judicial system in their country ensures genuine judicial independence or, where this is not yet the case, that the association is actively engaged in striving for such independence. The principal purpose of the IAJ is to contribute to strengthening judicial independence as an essential attribute of the judicial function, and to protect the constitutional and moral status of the judiciary as well as the guarantees of fundamental rights and freedoms.³³

In this context, between 1993 and 1995 the various regional groups of the IAJ adopted Charters on the statute of judges:

- the *Judges' Charter in Europe*, adopted by the European Association of Judges (European Regional Group of the IAJ) in 1993;³⁴
- the *Statute of the Ibero-American Judge (Estatuto del Juez Iberoamericano)*, adopted in 1995 by the Ibero-American Group of the IAJ;³⁵
- the *Judges' Statute in Africa*, adopted in 1995 by the African Group of the IAJ.³⁶

A few years later, in 1999, after an extensive process of reflection, the Central Council of the IAJ, at its annual meeting held in Taiwan, adopted the *Universal Charter of the Judge*, subsequently revised, expanded and updated in Santiago de Chile in 2017.³⁷

³² See <https://www.iaj-uim.org/solidarity-news-and-documents-about-poland/>; <https://www.iaj-uim.org/platform-for-an-independent-judiciary-in-turkey/>, where information is provided on various initiatives undertaken together with MEDEL (*Magistrats Européens pour la Démocratie et les Libertés*), an international group bringing together a number of European judges and judicial associations traditionally regarded as “left-wing oriented.”

³³ The IAJ is directed by its Central Council, composed of the delegates of the member associations, and by the Presidency Committee, which functions as the administrative body. The latter is headed by a President elected every two years and is assisted by six Vice-Presidents and the immediate past President (Honorary President), who remains in office for a further two-year term. The Association comprises four Study Commissions, each entrusted with examining a different subject area every year: – the first is responsible for matters relating to the judiciary, judicial independence, judicial organisation, and the protection of individual freedoms; – the second deals with civil law and civil procedure; – the third examines criminal law and criminal procedure; – the fourth focuses on public and social law. During IAJ meetings and congresses, the member associations seek to gain a deeper understanding of the host country, its judicial system, and the challenges faced by its judges. Petitions and recommendations are issued at the conclusion of each meeting and congress. The IAJ periodically develops multi-year action plans, such as those concerning the fight against corruption (in cooperation with the United Nations Office on Drugs and Crime), environmental law (in collaboration with the Environmental Judicial Global Institute), and the drafting of guidelines for the establishment of judges' associations in countries where none yet exist. It also organises periodic international thematic conferences—for example, in Yalta in 2013 on Councils of Justice; in Foz do Iguaçu in 2014 on environmental law; in Mexico City in 2016 on corruption; in Santiago de Chile in 2017 on judicial independence and judicial self-government; in Marrakech in 2018 on judicial independence and the implementation of the Universal Charter of the Judge; in Nur-Sultan in 2019 on the quality and efficiency of justice; in Tel Aviv in 2022 on “Law, Technology and Social Good;” in Cape Town in 2024, on “Artificial Intelligence: Its Impact on Judicial Activities”; in Baku in 2025, on “Relations Between the Judiciary and the Other Two Powers of the State” and in 2026 in Lisbon, on “The Role of Judicial Associations.” Within the IAJ there are also four Regional Groups, whose purpose is to monitor more closely the specific issues affecting the judiciary in different parts of the world: (a) the European Association of Judges – European Regional Group of the IAJ (EAJ); (b) the Ibero-American Regional Group; (c) the African Regional Group; (d) the “ANAO” Regional Group (North America, Asia and Oceania).

³⁴ See <https://www.iaj-uim.org/iuw/wp-content/uploads/2013/01/Statuto-Giudice-EAJ.pdf>.

³⁵ See <https://www.iaj-uim.org/iuw/wp-content/uploads/2013/01/Estatuto-del-juez-iberoamericano.pdf>.

³⁶ See <https://www.iaj-uim.org/iuw/wp-content/uploads/2013/06/Statuto-Giudice-AFR.pdf>.

³⁷ See <https://www.iaj-uim.org/universal-charter-of-the-judges/>. For a commentary on this point see OBERTO, *Un nuovo statuto per un nuovo giudice*, since 15 November, 2017, available at the following URL: <https://www.giacomooberto.com/Oberto-Un-nuovo-statuto-per-un-nuovo-giudice-2017.htm>; .pdf version available

Since the adoption of the Universal Charter in 1999, the IAJ has carried out sustained and intensive work on the minimum standards required to guarantee judicial independence.³⁸ In addition, the various Regional Groups and the Central Council have adopted numerous resolutions referring to these standards, thereby gradually creating a corpus of specific rules for the organisation. This work has naturally developed alongside the adoption, over recent decades, of various international instruments—many under the aegis of the Council of Europe—ranging from the 1998 *European Charter on the Statute for Judges* to Recommendation No. R(2010)12, the opinions of the Consultative Council of European Judges (CCJE), the CCJE’s *Magna Carta* of 2010, and the reports and activities of the European Commission for the Efficiency of Justice (CEPEJ).³⁹

Let me also recall the effective contribution that the IAJ has made to the Council of Europe since the late 1990s in assisting the countries of Central and Eastern Europe. Through numerous study missions and support activities, the IAJ has helped these countries draft new regulatory instruments and launch initiatives for the initial and continuing training of judges, contributing significantly to the establishment of judicial schools, academies and training centres that are modern, effective and compliant with international standards on judicial independence.

5. Modus operandi of the International Association of Judges (IAJ) in Critical Situations.

The first way in which the IAJ operates in crisis situations—one that is particularly characteristic of the organisation—is its constant presence as an observer within various international institutions.

The IAJ enjoys consultative status with the United Nations (Economic and Social Council and International Labour Organization) and has permanent representatives at the UN offices in Geneva, New York and Vienna. It works tirelessly in providing assistance to the Office of the United Nations Special Rapporteur on the Independence of Judges and Lawyers, based in Geneva. The IAJ also holds observer status in several Council of Europe bodies (CEPEJ, the Venice Commission and the CCJE) and maintains regular contacts with various departments of the European Commission. In order to participate more effectively in debates on justice within European institutions, the EAJ (European Association of Judges, the IAJ’s European Regional Group) has created its own working group, “Ways to Brussels”.

Contacts are also being developed with the Inter-American Court of Human Rights, where the IAJ’s Ibero-American Group has obtained *amicus curiae* status in cases such as Venezuela, where assistance was provided to a colleague unjustly prosecuted for her views. The IAJ likewise enjoys consultative status with the African Union and the African Court on Human and Peoples’ Rights.

Over the years, the IAJ has developed a series of partnership activities with international organisations representing different professional groups active in the justice sector, including:

at the following URL: http://www.iaj-uim.org/iuw/wp-content/uploads/2017/12/Oberto_Un_nuovo_statuto_per_un_nuovo_giudice_2017.pdf. The article has also been published in *Contratto e impresa / Europa*, 2019, pp. 49 ff. A shortened version of the article has been published under the title *Lo Statuto Universale del Giudice approvato a Santiago del Cile dall’Unione Internazionale Magistrati*, in *La Magistratura*, 2018, 1, Gennaio – Marzo 2018, pp. 18 ff.; this document is also available in .pdf format at the following URL: https://www.giacomooberto.com/Oberto_Lo_statuto_universale_del_giudice.pdf.

³⁸ This is particularly true of the work carried out within the First Study Commission of the IAJ, which, from the year 2000 onwards, addressed this specific issue. Related documents are available at the following URLs: <https://www.iaj-uim.org/iuw/1st-study-commission/>.

³⁹ For a complete list see OBERTO, *Un nuovo statuto per un nuovo giudice*, op. cit., para. 3.

- CMJA – Commonwealth Magistrates and Judges Association
- International Association of Women Judges
- FLAM – Federación Latinoamericana de Magistrados
- UIJLP – União Internacional de Juízes de Língua Portuguesa
- Rechters voor Rechters – Judges for Judges
- AEAJ – Association of European Administrative Judges
- MEDEL – Magistrats Européens pour la Démocratie et les Libertés
- IAP – International Association of Prosecutors
- International Union of Notaries
- IBA – International Bar Association
- ICJ – International Commission of Jurists

Beyond this close network of institutional relationships, the IAJ engages in concrete, continuous work in support of associations facing difficulties. In this context, it is worth mentioning the IAJ initiative—discussed further below⁴⁰—aimed at promoting the creation of judicial associations in countries where none yet exist. In countries where such associations already exist and are members of the IAJ, issues relating to the safeguarding of judicial independence are primarily addressed by the four Regional Groups. With regard in particular to the EAJ, European Regional Group,⁴¹ a permanent working group has been established to monitor the situation of associations reporting difficulties and to coordinate the actions to be taken with them.

These initiatives operate on several levels. The first may be described as *public advocacy*: the IAJ, through its Regional Groups, raises concerns by issuing declarations and resolutions and by contacting other international organisations in order to draw attention to specific threats to judicial independence. In such cases, contacts are established, debates are held within the relevant Regional Group and, where appropriate, within the Central Council of the IAJ; resolutions are adopted and, if necessary, on-site missions are organised.⁴²

A further level concerns lobbying and communication. The IAJ and its Regional Groups make full use of modern communication tools: the website—particularly the “News & Events” section⁴³—Twitter accounts, and relations with journalists and media outlets.

In this context, the relationship with the Office of the United Nations Special Rapporteur on the Independence of Judges and Lawyers is particularly close.⁴⁴

⁴⁰ See *infra*, para. 6.

⁴¹ See <https://eaj.iaj-uim.org>.

⁴² To mention only some of the more relevant cases, it may be noted that on-site missions were carried out: (i) in 2013 in Greece, in order to inform the competent political and administrative authorities of the need to intervene to halt the reduction of judicial salaries and to ensure payment of the sums owed, which the Government had refused to grant to judges; (ii) in 2014 and 2016 in Ukraine, with a view to limiting, before Parliament and the Government, the effects of legislation providing for the lustration of a very large number of judges; (iii) in 2014 in Turkey, to verify the regular conduct of the electoral operations for the Council of Justice—an assessment which revealed serious anomalies and, in fact, foreshadowed the subsequent deterioration of the situation; (iv) in Tunisia, in order to inquire into the situation of justice in that country, following the crackdown of the local government on judicial independence (see <https://www.iaj-uim.org/iuw/wp-content/uploads/2022/07/2022-07-10-rapport-mission-UIM-Tunisie.pdf>); (v) in Guatemala (see *infra*, in this same para.). For more missions to Turkey, Poland, Hungary and other countries, see the site <https://www.iaj-uim.org>, under the “news” section, by simply entering the name of the country concerned in the search field.

⁴³ See <https://www.iaj-uim.org/news/>.

⁴⁴ The Special Rapporteur on the Independence of Judges and Lawyers “is 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 from any

The IAJ and its Regional Groups maintain constant contact with this office (as well as, at continental level, with the Council of Europe, the European Union, the African Union, and others) in order to report violations of international standards wherever they occur. The IAJ may then request official statements, reports, on-site visits or other forms of intervention by the Special Rapporteur.

A worrying series of cases involving judges prosecuted for their “excessively independent” attitudes—and, from 16 July 2016 onwards, the dramatic collapse of the Turkish judiciary—has pushed the IAJ to assume an even more concrete role in assisting victims of abuses against judicial independence worldwide. Several years ago, the IAJ intervened to support the Venezuelan judge María Lourdes Afiuni, imprisoned for her critical stance towards her government, assisting her both before and after the trial she faced.⁴⁵

A similar intervention took place in 2015 in relation to the first two Turkish judges (Baser and Öczelik) who were tried and imprisoned for opposing the subjugation of the judiciary to political power. In that case, the IAJ, together with the Dutch association Judges for Judges, ensured constant attendance at the hearings. No one could have imagined that, just one year later, such attacks would multiply to involve several thousand judges and prosecutors, making this type of presence impossible. To overcome this difficulty, the IAJ created in 2016, as already mentioned,⁴⁶ a special fund to provide financial support to detained or prosecuted Turkish judges and prosecutors and their families, as well as assistance in their legal defence.

More recently, in March 2026, the IAJ co-organised a complex mission of judges to Guatemala, whose objective was to observe the election process for the Attorney General of that country under the parameters of international standards and best practices in the field, including transparency, independence, merit and competence as fundamental selection criteria, as well as access to information, citizen’s participation and accountability.⁴⁷

It is also necessary to recall the assistance provided to the judiciary of Tunisia in response to the recent freedom-destroying initiatives taken by the President of the Republic, who not only abolished the High Judicial Council by presidential decree but also dismissed, by the same method, around fifty “inconvenient” judges. Here too, the IAJ, through the activities of its African Regional Group, organised a series of local initiatives and established a solid network of contacts with international and national organisations, as well as with the UN Special Rapporteur.⁴⁸

6. General Principles on International Judicial Associations.

In recent years, the existence of judicial associations—both national and international—has attracted the attention of numerous bodies, which have developed a number of fundamental principles concerning their composition, activities and governance.

government or organization and serve in their individual capacity.” See <https://www.ohchr.org/en/special-procedures-human-rights-council>.

⁴⁵ See the documents available at the following URL: https://www.iajuim.org/documents/?post_type=document&s=afiuni.

⁴⁶ See *supra*, para. 1.

⁴⁷ See <https://www.iaj-uim.org/iuw/documenti/final-report-from-the-mission-in-guatemala/> and <https://www.iaj-uim.org/iuw/press-release-on-the-international-mission-of-judges-in-guatemala/>.

⁴⁸ For an overview of the situation and of the solidarity initiatives in support of the Tunisian judiciary, see <https://ag.iaj-uim.org/solidarity-news-and-statement-about-tunisia/>.

It is necessary to begin with several general rules, given that judicial associations operate within the broader framework of the right of association *tout court*. The Universal Declaration of Human Rights,⁴⁹ the International Covenant on Civil and Political Rights⁵⁰ and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)⁵¹ all guarantee to every individual the freedom of association, that is, the right to form and join associations. Judges, like all individuals, enjoy these fundamental rights.⁵²

However, in exercising their freedom of peaceful assembly, judges must also remain mindful of their responsibilities and avoid situations that might be considered incompatible with the authority of their office or with the duty to be independent and impartial—and to be perceived as such.⁵³

The freedom of association of judges is expressly guaranteed by the United Nations Basic Principles on the Independence of the Judiciary,⁵⁴ by the Bangalore Principles of Judicial Conduct,⁵⁵ and by the aforementioned Universal Charter of the Judge, in its current version adopted by the IAJ on 14 November 2017.⁵⁶

At the European level, the freedom of association of judges was explicitly recognised in 1998 by the European Charter on the Statute for Judges⁵⁷ and in 2010 by Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, *Judges: independence, efficiency and responsibilities*,⁵⁸ as well as by the CCJE's *Magna Carta of Judges (Fundamental Principles)*.⁵⁹

The 1998 European Charter highlights the contribution of judicial associations to the defence of the statutory rights of judges—an aspect taken up by Recommendation (2010)12, which identifies independence as the central element of the judicial statute and adds an additional dimension: the promotion of the rule of law. The *Magna Carta* understands this objective as “defending the mission of the judiciary in society”. This broadening of objectives is equally visible in the evolution of judicial associations themselves: attention to the statute of judges is increasingly accompanied by a strong awareness of the need to safeguard the rule of law.

The Consultative Council of European Judges (CCJE)—which had already affirmed the freedom of association of judges in its Opinion No. 3 of 19 November 2002, *On the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality*⁶⁰—decided

⁴⁹ See the *Universal Declaration of Human Rights*, adopted on 10 December, 1948 by the General Assembly of the United Nations, art. 20, para. 1.

⁵⁰ *International Covenant on Civil and Political Rights*, adopted on 16 December, 1966 by the General Assembly of the United Nations, art. 22.

⁵¹ *European Convention on Human Rights* (ECHR) of the 4 November, 1950, art. 11, para 1.

⁵² Opinion No. 3 (2002) of the Consultative Council of European Judges (CCJE), “On ethics and liability of judges,” para. 27.

⁵³ See the third report of the UN Special Rapporteur on the independence of judges and lawyers, issued on 24 June 2019, on “The exercise of the rights to freedom of expression, association and peaceful assembly by judges and prosecutors, both offline and online” (available at the following URL: <https://www.ohchr.org/en/taxonomy/term/1280?page=14>).

⁵⁴ See the UN *Basic Principles on the Independence of the Judiciary*, adopted by the General Assembly on 29 November 1985, art. 9.

⁵⁵ See the *Bangalore Principles of Judicial Conduct*, principles 4-6.

⁵⁶ See art. 3.5.

⁵⁷ See the *European Charter on the Statute for Judges*, Principles 1.7 and 1.8.

⁵⁸ See the already mentioned Recommendation R (2010) 12, of the Committee of Ministers of the Council of Europe to member states on “Judges: independence, efficiency and responsibilities,” art. 25.

⁵⁹ See the *Magna Carta of judges* (Fundamental Principles), 17 November 2010, art. 12.

⁶⁰ See point No. 34: “However, judges should be allowed to participate in certain debates concerning national judicial policy. They should be able to be consulted and play an active part in the preparation of legislation concerning their statute and, more generally, the functioning of the judicial system. This subject also raises the question of whether

in 2020 to devote an entire opinion to judicial associations.⁶¹ This document develops a series of important principles, conclusions and recommendations, including, for example, the wish (Article 2) that “there is at least one such association in each judicial system”. It also emphasises the role of these associations “in relation to the training and ethics of judges and their contribution to reforms of the judicial system” (Article 5). The opinion further states that associations of judges should refrain from “directing their activities according to the interests of political parties or candidates for public functions” and from “getting involved in political matters” (Article 10), while also affirming that “judges should not be obliged to disclose their affiliation” to political organisations.

The same opinion rightly focuses (Article 34) on the role of associations in developing ethical principles of professional conduct, stating that such rules “must be developed by the judges themselves. The fact that judges voluntarily join associations and that there is a forum for exchanges and debate guarantees a strong commitment on the part of the judges to the principles of correct judicial conduct developed by the associations of judges, or at least to their contribution to the development of these principles when associations have actively participated in it.” In this regard, it is noteworthy that judicial associations have developed codes of ethics in Austria, Bulgaria, Croatia, Denmark, Finland, Iceland, Italy, Malta, Norway, the Netherlands, Slovenia, Spain and Switzerland; while in Azerbaijan, Belgium, Estonia, Germany, Ireland, Lithuania, Luxembourg, North Macedonia, Montenegro, Romania, the United Kingdom, Slovakia, Sweden, Turkey and Ukraine they have been involved in various ways in the elaboration of ethical norms.⁶²

A broad scope is also envisaged for the transnational and international role of judicial associations, with recognition that these bodies “facilitate cross-border cooperation and allow comparisons with associations of other Member States. Furthermore, they are associated at European level through some European judicial associations and organisations” (Article 13), to which “national and international authorities must pay adequate attention” (Article 14). This applies in particular to European institutions, which are called upon to “take into consideration and use the experience and observations that European associations of judges draw from the different Member States and their judicial systems” (Article 15).

judges should be allowed to join trade unions. Under their freedom of expression and opinion, judges may exercise the right to join trade unions (freedom of association), although restrictions may be placed on the right to strike.”

⁶¹ See the Opinion No. 23 of 6 November 2020, on “The role of associations of judges in supporting judicial independence.”

⁶² On this topic, see also the contribution of the *European Network of Councils for the Judiciary* (ENCJ) in its report *Development of Minimum Judicial Standards* (2010–2011), available at: https://www.encj.eu/images/stories/pdf/workinggroups/encj_report_project_team_minimum_standards.pdf, pp. 28 ff., which states: “Apart from the international instruments, many European countries have adopted their own code or guide in relation to judicial ethics. In some countries these codes or guides have already been adopted by the relevant Council for the Judiciary or Court Administration with the aims of establishing standards for ethical conduct of judges and of providing guidance to judges by setting up a framework for regulating judicial conduct (for instance, Bulgaria, England and Wales, Hungary, Norway, Poland, Romania and Scotland). In other European countries Councils for the Judiciary or Court Administrations are currently working on the development of a code or guide to judicial ethics to be adopted at a later stage (Belgium, Ireland or Sweden). In some countries codes or guides in the field of judicial ethics have been adopted by judges’ associations or unions (for instance, Austria, Czech Republic and Italy) or by judicial conferences or general meetings of judges (Latvia and Lithuania) or are being currently discussed by judges’ associations with a view of its future adoption (Finland and the Netherlands). Finally, there are countries where the relevant Council for the Judiciary or Court Administration has not officially approved or endorsed guides or codes of principles of judicial ethics (Denmark), but indirectly endorsed an international document in this field (such as Spain regarding the Ibero American Model Code of Judicial Ethics).”

The opinion is, however, more reticent on the delicate issue of relations between judicial associations (or their “wings”) and systems of judicial self-government—an area in which, as is well known, not only in Italy but also in other countries, judicial associations play a crucial (and, to be frank, not always beneficial) role in elections to High Councils for the Judiciary.

7. International Judicial Associations in Common Law Systems.

Within common-law systems, judicial associations display features and nuances markedly different from those characterising the experience of continental European countries, as well as those non-European legal systems strongly influenced by European models (not least the French-speaking countries of Africa, whose judicial structures remain deeply shaped by the legacy of the former *métropole*). Moreover, in jurisdictions where judicial office is regarded as the coveted culmination of a *cursus honorum* spanning many years—if not decades—of legal practice, and where appointment procedures are directly or indirectly influenced by the executive (or even by the electorate, as in the case of many US state judges or judges in certain Swiss cantons), the reasons that typically justify the creation of a professional association of judges appear far less compelling than in continental Europe. Many judges in common-law systems continue to “feel”, so to speak, “more like lawyers” than anything else, and the motives for “opposition” to the executive are less pronounced than in civil-law jurisdictions.⁶³

The deeper reason—or at least the predominant one—why judicial associations are less widespread in Anglo-Saxon systems lies, in all likelihood, in the very broad, almost boundless powers traditionally vested in judges. A judge who can resort to the power of *contempt of court* against a lawyer, politician or any other person threatening his or her independence and freedom of judgment (a power that, regrettably, is absent in countries such as Italy, where judges are increasingly subjected to attacks without any realistic prospect of institutional protection, partly due to the complicit passivity of too many career-minded colleagues)⁶⁴ will feel far less need—compared with civil-law judges—to belong to an association capable of defending him or her. That formidable tool allows the judge to defend him- or herself effectively and autonomously.

It is therefore unsurprising that, in various Anglo-Saxon legal systems, for historical, traditional and cultural reasons, the very idea of judges joining forces under the umbrella of an association is far from commonplace. It should also be noted that the absence of judicial associations in a given country is not necessarily linked to the authoritarian nature of its regime. Consider India, the world’s most populous democracy: despite the existence of some associations of magistrates at district-court level (and an association of retired judges), no associations exist at the level of the High Courts or the Supreme Court.

Where judicial associations do exist in common-law systems, their purpose is often conceived not so much as providing an intermediary body capable of engaging with the executive, but rather as

⁶³ On the systems of selection and recruitment of judges in the USA, see GINSBURG and GAROUPA, *The Comparative Law and Economics of Judicial Councils*, in *Berkeley Journal of International Law*, 53 (2008), pp. 67 ff.; for the United Kingdom see *ivi*, pp. 78 ff. On the process of judicial appointment in Commonwealth countries, see VAN ZYL SMIT, *The Appointment, Tenure and Removal of Judges under Commonwealth Principles: A Compendium and Analysis of Best Practice (Report of Research Undertaken by Bingham Centre for the Rule of Law)*, British Library Cataloguing in Publication Data, 2015; see as well GAROUPA and GINSBURG, *Guarding the Guardians: Judicial Councils and Judicial Independence*, in *The American Journal of Comparative Law*, 2009, Vol. 57, No. 1 (Winter, 2009), pp. 103 ff., available at the following URL: <https://www.jstor.org/stable/20454665>.

⁶⁴ See OBERTO, *Sistemi giudiziari europei a confronto: le criticità italiane*, https://www.giacomooberto.com/Oberto_sistemi_giudiziari_a_confronto.htm, para. 9.

giving the judiciary a voice through which it may “speak to the public” and explain its work through the media.⁶⁵

Conversely, the gaze of common-law scholars upon judicial associations in continental Europe often leads them—mistakenly—to focus on the supposed role of such associations in dismantling the “traditional” hierarchical structure of the judiciary.⁶⁶

They fail to appreciate that the true aim of continental judicial associations is not to demolish the (unfortunately still persistent) hierarchical or para-hierarchical structure inherited from Napoleonic times⁶⁷—which would indeed strengthen the independence of individual judges⁶⁸—but, all too often, simply to take control of that structure.

It should nonetheless be added that even in certain common-law systems the role of judicial associations becomes apparent whenever the executive seeks to curtail the autonomy and independence of judges. A clear and recent example is the United States, where the Federal Judges Association (FJA) has—at times in coordination with the American Bar Association—taken firm positions in defence of judicial independence. The FJA since 2025 has issued statements condemning attacks and threats against the federal judiciary on social media and elsewhere. Many of these attacks have been fuelled by judicial determinations that certain policies of the Trump Administration either violated federal law or should be enjoined pending judicial review. Such actions—commonplace in courts for centuries—have provoked the ire of Elon Musk and others, who have called for the impeachment (or worse) of highly respected judges. These calls are, at best, foolish and verge on the politically obscene. The FJA’s statements reiterate what any decent civics class should teach: that judicial decisions are not expressions of personal opinion but the result of applying the law to the facts.⁶⁹

⁶⁵ See MACK, ROACH ANLEU e TUTTON, *The judiciary and the public: judicial perceptions*, available at the following URL: <https://law.adelaide.edu.au/ua/media/365/alr-39-1-ch01-mack-anleu-tutton.pdf>, p. 32. In particular, the Authors remark that “In part because of this concern about the propriety of individual judicial officers speaking to the media, especially in relation to a particular case or controversy, some judicial officers have chosen to communicate with the media through professional associations. For example, one of the explicit objectives of the Judicial Conference of Australia is ‘[i]nforming the community about the proper role of the judiciary and the significance of an independent judiciary’. To meet this goal, the Judicial Conference of Australia has commissioned and published reports as well as issuing press releases commenting on various controversies involving the judiciary.”

⁶⁶ See GINSBURG and GAROUPA, *The Comparative Law and Economics of Judicial Councils*, op. cit., p. 76: “The Italian story is one in which judges gradually dismantled the classical hierarchical structure of the civil law judiciary. Beginning in the 1960s, judges formed unions, demanding better conditions and freedom from constraints imposed by higher levels of the judiciary. This gradually led to a removal of hierarchical controls. Although in theory the CSM was set up to ensure a certain level of consistency within the judiciary, the quality of judges varied widely. Apparently, the CSM’s professional evaluations of the judges were of little significance because they were always positive, and promotions almost never depended on vacancies. (...) The dismantling of the traditional hierarchy was reinforced by several reforms that took place between 1963 and 1979. (...) Between 1979 and 1992, the role of the CSM was consolidated, with the unions assuming an increasingly important role. (...) Judicial investigations into several scandals involving businessmen, politicians, and bureaucrats marked the period from 1992 to 1997, raising questions about the accountability of judicial powers.” One may well wonder why, if the hierarchical system has truly been “dismantled,” ever-growing numbers of Italian judges engage in merciless, bruising and no-holds-barred battles against one another in order to obtain appointments as heads of courts—or even, far more modestly, as heads of divisions within a court.

⁶⁷ See OBERTO, *La separazione dei poteri e l’ordinamento giudiziario*, op. cit., pp. 5 f., 22 f.

⁶⁸ This would be particularly true with regard to internal independence: see OBERTO, *La separazione dei poteri e l’ordinamento giudiziario*, op. cit., pp. 5 f., 22 f.

⁶⁹ See e.g. the Press Release issued on 5 March 2025, <https://interdependentcourts.com/2025/03/06/federal-judges-association-condemns-attacks-on-the-judiciary/>, as well as other warning, such as: “Any erosion in the independence of the judiciary is a threat to the Constitution and to democratic rule of law. Ensuring judicial security is not just about protecting individuals, it is about preserving the integrity of our legal system and the public’s trust in an impartial judiciary.” (<https://wyofile.com/wyoming-lawyers-judges-right-to-ask-delegation-to-condemn-trump/>).

At this point, it is worth noting that the comparatively limited presence and influence of national judicial associations in many Anglo-Saxon systems indirectly enhances the importance of international judicial associations.

In particular, the work of the Commonwealth Magistrates' and Judges' Association (CMJA), founded in London in 1970, deserves mention.⁷⁰ Unlike the IAJ, the CMJA admits not only judicial associations but also individual judges. For decades, it has played a leading role in crucial areas of judicial activity in Commonwealth countries. In regions where judicial training institutes are insufficiently developed, the CMJA has undertaken significant work in organising judicial education.⁷¹ It has also produced influential guidelines on judicial ethics and judicial accountability.⁷²

With regard to judicial independence, scholars have noted tensions arising from the fact that Chief Justices—traditionally regarded as guarantors of judicial independence—may struggle to safeguard it in practice, given the manner in which they (and all judges) are appointed. For this reason, more sensitive sectors of the judiciary—for example in Australia—have repeatedly emphasised the role that international judicial associations can play in protecting both internal and external judicial independence. In this respect, the CMJA has developed guidelines on how national associations should approach their respective governments when consulted on draft legislation.⁷³

Other international associations active in the judicial sphere include the International Association of High Administrative Jurisdictions, the *Association des Cours Constitutionnelles Francophones* (ACCF), the *Association des Hautes Juridictions de Cassation des pays ayant en partage l'usage du Français* (AHJUCAF), and the World Conference on Constitutional Justice.

8. The Influence of International Judicial Associations on the Establishment and Activities of National Associations.

The purpose of international judicial associations is also to encourage reflection on the existence, role and functioning of national associations, and to facilitate comparison between different organisational experiences. While it is true that every European country has at least one association of judges (and often more than one), this is unfortunately not the case, as we have seen,⁷⁴ in other parts of the world.

⁷⁰ See <https://www.cmja.org/>.

⁷¹ See <https://www.cmja.org/judicial-education-programme/>.

⁷² On the idea of judicial accountability and on the role played by judges' associations in Common Law countries, see LOWNDES, *Judicial Independence and Judicial Accountability at the Coalface of the Australian Judiciary*, 2016, pp. 64 ff. (https://localcourt.nt.gov.au/sites/default/files/judicial_independence_and_judicial_accountability_at_the_coalface_of_the_australian_judiciary_.pdf): "Judicial associations are also an important aspect of judicial accountability. As previously mentioned, the judiciary bears a responsibility for emphasising the nature, importance and boundaries of judicial independence and drawing the attention of both the community and government to such matters as well as the importance of the rule of law within a free and democratic society – both in and outside the court room. This is a responsibility that is elevated to a form of accountability – namely explanatory accountability. Judicial associations provide an extra – curial medium for discharging the responsibility that the judiciary as an institution bears and fulfilling the requirements of explanatory accountability. It is through judicial associations like the CMJA, the Judicial Conference of Australia (JCA) and the Association of Australian Magistrates (AAM) that the judiciary is able to draw the attention of the community and government to the importance of judicial independence and rule of law in a modern democracy."

⁷³ See in particular the "CMJA procedures for dealing with judicial independence issues," mentioned by LOWNDES, *Becoming Stronger and Moving Forward together: The Role of Judicial Associations in the Modern Era*, in *Journal of the Commonwealth Magistrates and Judges Association*, Vol. 24, June 2019, pp. 11 ff., 15 ff.

⁷⁴ See *supra*, para. 5.

For precisely this reason, the International Association of Judges has promoted—and has completed some years ago—a study aimed at encouraging the creation of judicial associations in countries where none yet exist. This work has resulted in a publication, also available online.⁷⁵

The study is equally useful in systems where one or more such organisations already exist, as it seeks to identify the minimum requirements necessary for drafting the constitution of an association. It also contains model articles for a judicial association, together with a collection of actual constitutions from various countries, drawn from both common-law and civil-law systems.

It is particularly interesting that the document sets out the full range of purposes for which a judicial association can (and should) be established. These purposes are, individually, perfectly superimposable across all European and global legal systems, regardless of differences in legal tradition or in the methods of judicial recruitment and appointment. Thus, while the first and fundamental purpose of any such body is “to promote and protect judicial independence and the rule of law”, it is equally true that an association “can also serve as a valuable forum enabling judges to communicate with one another”. Moreover, in both common-law and civil-law systems, judicial associations play an important role not only in promoting judicial ethics but also in combating corruption within the judiciary. As the document notes, an association “may be set up by, and consist of, outspokenly non-corrupt judges who work together to achieve changes in a corrupt system”.

In addition, it is universally recognised that a judicial association may directly promote and organise training activities for judges, including initiatives aimed at self-training—such as providing free or subsidised access to legal databases of doctrine and case-law, or facilitating participation in training activities organised by other bodies. Associations may also exert appropriate pressure on the legislative and executive branches to ensure that institutional training activities are properly organised.

A further aspect—often a source of criticism from those not particularly concerned with safeguarding judicial independence—is the essential participation of the judiciary, through its associations, in the legislative process concerning the justice sector: from reforms of the judicial system to the discussion of bills on civil, criminal and administrative procedure. It is essential that the experience of those who operate daily in these fields be taken into account when the tools of judicial and prosecutorial activity are created or modified. In this respect, the association is the best vehicle for transmitting to policymakers the knowledge and experience gained in practice, thereby helping to avoid errors that would ultimately harm all court users.

Finally, as the IAJ document under consideration notes, “creating an association also provides judges with the opportunity to become part of an international network of judges. In a world in which people, countries and companies are connected across borders more than ever in history, and in which judiciaries worldwide have to cooperate with each other more and more frequently, this aim is worth considering.” Such international networks “provide judges with the ability to address key issues, such as threats to the independence of judges, jointly and with a voice heard at an international level”.

Returning to the cross-border perspective, it must be said that the internationalisation of the debate on judicial associations can stimulate reflection within individual national associations, particularly when comparing the results emerging from different systems.

It was precisely in this context that, in 2016, the IAJ launched a survey among its members, which at the time comprised 83 national associations of judges. Some of the results—published on the IAJ website⁷⁶—are extremely illuminating in providing a global picture of the world judiciary.

⁷⁵ See <https://www.iaj-uim.org/iuw/wp-content/uploads/2022/01/Founding-an-Association-of-Judges-1.pdf>.

Out of 63 replies received,⁷⁷ 61 member associations (or national representative groups of judges) reported having a formal and official statute. None of the responding systems imposed restrictions on associative activity, although in one case judges were prohibited from striking and in another the law forbade the creation of trade unions (but not associations). In one country, the law requires the existence of an association; in others (such as present-day Turkey), the compulsory existence of a judicial association is achieved *de facto* by prohibiting the creation of any association other than the official one aligned with the authoritarian regime.

About half of the responding associations (33 out of 63) indicated that they have regional branches. The associations belonging to the IAJ represent approximately 120,000 judges out of a total of 171,000 judges in their respective countries. Seven associations reported playing some role in the election or selection of members of their national Councils for the Judiciary, where such bodies exist. Of the 63 associations responding, 37 (about 59%) reported being consulted more or less regularly by their governments, and 24 (about 38%) by their legislatures.

To the crucial question of whether the situation of judicial independence had improved or worsened over the previous five years (2011–2016), the responses were as follows: 23 associations (36.5%) stated that the situation had remained unchanged; 23 (36.5%) that it had worsened; and 17 (26.98%) that it had improved. Curiously, the region reporting the greatest number of deteriorations was Europe, whereas in French-speaking Africa and in non-European common-law systems, assessments of improvement predominated.

Asked to identify the most serious problems in the justice sector, most associations reported, in decreasing order of importance: (a) insufficient budget allocations for justice (21 replies); (b) excessive workloads (21 replies); (c) inadequate working conditions (21 replies); (d) insufficient remuneration (salaries and pensions) (17 replies); (e) problems concerning external independence and undue political pressure (13 replies); (f) problems concerning internal independence (12 replies); (g) lack of public trust in the judiciary (7 replies); (h) difficulties in communication with civil society, including the media (7 replies); (i) problems in the management of judicial offices (5 replies); (j) insufficient protection of judges' personal safety (3 replies).

9. Conclusion. Emerging Challenges for the World Judiciaries.

In recent years, the world judiciaries, judges national associations and the International Association of Judges (IAJ) have been confronted with several unprecedented and rapidly evolving challenges. Rebelliousness, antagonism and extremism have become the defining features of the protracted phase in which we live, generating consensus and producing populist and sovereigntist governments centred on the predominance of the leader rather than on the balance of powers.

Today more than ever, Talleyrand's celebrated definition of politics seems remarkably apt: "it is but a particular way of agitating the people before making use of them." ("La politique, ce n'est qu'une certaine façon d'agiter le peuple avant de s'en servir"). The populist movements currently in power in various countries across the world have understood this mechanism all too well, and the instrument for agitating the populace has been found in the identification of alleged "dangers" said to loom over society, often associated with specific groups of people (the Jews, a century ago; migrants, today). As recently denounced by the enlightened voice of one of the greatest living

⁷⁶ See <https://www.iaj-uim.org/news/2016-monitoring-procedure-report-published-in-our-web-site/>.

⁷⁷ Out of 83 IAJ member States at that time (41 out of 44 in the European Group—EAJ).

writers, Salman Rushdie, “It is not migrants who deepen ever-widening conflicts. The so-called ‘foreigners’ are the public sacrifice consumed by the power of terror. The aim of authoritarian regimes is the control of wealth to be apportioned among the few: hence the deliberate excavation of social divisions and the systematic obstruction of direct dialogue.”⁷⁸

In this political and social framework, a growing number of jurisdictions have witnessed disciplinary actions being used as instruments of political pressure on judges. The ECtHR’s judgment in *Baka v. Hungary* remains a landmark decision condemning such practices.⁷⁹ A further and more troubling development is the use of criminal accusations and prosecutions directly against judges. The case of Turkey—particularly the prosecution of Murat Arslan, President and founder of the local association YARSAV—is highly significant.⁸⁰ More recently, more or less the same pattern has been replicated in the persecution of the Tunisian Association of Judges and its President, Anas Hmedi.⁸¹

A second challenge arises from digitalisation and algorithmic risks. Digital case-allocation systems, AI-assisted decision-making and algorithmic profiling raise new concerns regarding transparency, accountability and internal independence.⁸²

Finally, judges increasingly face public scrutiny, online harassment and coordinated campaigns aimed at influencing judicial behaviour. Pressure exerted through media and social media has become one of the most insidious threats to judicial independence.

The phenomenon commonly referred to as “trial by media” has evolved into a decentralised and participatory process in which judicial decisions are scrutinised, debated and often distorted in real time. Social media platforms have become “arenas for justice and judgment, sometimes blurring the lines between seeking truth and perpetuating harassment,” with consequences for privacy, reputation and institutional trust.⁸³ This dynamic affects judges directly: media narratives may frame judicial decisions as politically motivated, incompetent or biased, thereby generating public pressure capable of influencing the conditions under which judges operate.

Beyond diffuse criticism, judges increasingly face organised online harassment. The Global Judicial Integrity Network warns that misuse of social media “may have an impact on the public

⁷⁸ See VISETTI, *Salman Rushdie: “Il mondo è uno, non lasciamoci dividere dai fascismi,”* <https://naufraghi.ch/salman-rushdie-il-mondo-e-uno-non-lasciamoci-dividere-dai-fascismi/?print=print>.

⁷⁹ ECtHR, *Baka v. Hungary* (2016).

⁸⁰ See also *supra*, para. 1. For a comprehensive collection of documents on this issue, see the following sections of the IAJ web site: <https://www.iaj-uim.org/iuw/platform-for-an-independent-judiciary-in-turkey/>, <https://www.iaj-uim.org/iuw/solidarity-news-and-documents-about-yarsav/>, <https://www.iaj-uim.org/iuw/free-murat-arslan/>.

⁸¹ For a comprehensive collection of documents on this issue, see the following section of the IAJ web site: <https://www.iaj-uim.org/iuw/solidarity-news-and-statements-about-tunisia/>.

⁸² See EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE, *CEPEJ European Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment*, 2018, <https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment>. On this issue see as well the international conference organised by CEPEJ in Baku, in 2019, on the subject “Artificial Intelligence and Human Rights:” <https://www.iaj-uim.org/iuw/artificial-intelligence-and-human-rights-international-conference-in-baku-azerbaijan/> and the international conference organised by the International Association of Judges in Cape Town, in 2024, on the subject “Artificial Intelligence: its Impact on the Judicial Activities,” <https://www.iaj-uim.org/iuw/international-conference-in-cape-town-2024/>, <https://www.iaj-uim.org/iuw/international-conference-cape-town-2024/>; see also OBERTO, *Artificial Intelligence and Judicial Activities: The Position of the European Commission for the Efficiency of Justice (CEPEJ)*, https://www.iaj-uim.org/iuw/wp-content/uploads/2024/09/Giacomo_OBERTO_ARTIFICIAL_INTELLIGENCE_AND_JUDICIAL_ACTIVITIES.pdf.

⁸³ See LEV-ON, *The Complexities of Trial by Social Media: Examining the Connection Between Self-exposure and Harassment*, in GIES (ed.), *Trial by Media: Participatory Justice in the Digital Media Age*, Cham, 2025, pp. 103 ff.

perception of all judges and confidence in judicial systems generally.”⁸⁴ Similarly, scholars warn that online attacks can create a “chilling effect” on judicial behaviour.⁸⁵

In several jurisdictions, media outlets have been used to delegitimise judges involved in politically sensitive cases. Polish scholars describe how, in Poland, state-aligned media have repeatedly targeted judges critical of judicial reforms, portraying them as “political actors seeking to undermine the will of the nation,” or as “enemies of the nation and agents of foreign interests.”⁸⁶

The participatory nature of social media blurs the line between legitimate public debate and improper pressure. As some scholars note, judges must navigate “the blurred lines between their private and public personas,” since online interactions may expose them to targeted criticism or harassment.⁸⁷ This exposure may discourage judges from engaging publicly or from deciding controversial cases without fear of backlash, thereby creating a chilling effect on judicial behaviour. The cumulative effect of media pressure, online harassment and coordinated campaigns constitutes a tangible threat to judicial independence.⁸⁸

In fact, the response to such phenomena cannot come from individuals alone.

As already mentioned, the Italian experience during the 2026 constitutional referendum on the judiciary demonstrates that a well-coordinated action by the national judges’ association, in coordination with citizens’ movements and associations, the International Association of Judges and the Office of the UN Special Rapporteur on the Independence of Judges and Lawyers can make a decisive difference. In that case, such coordinated action overturned a shameful, defamatory and hostile campaign directed by the government against the judiciary, aimed at introducing reforms that would have substantially limited judicial independence.⁸⁹

The judiciaries of the world must therefore be able to confront these new and demanding challenges, fully aware that the way forward lies in the hard and sustained work of national associations, in close cooperation with the IAJ and with those international bodies and organisations

⁸⁴ UNODC, *Non-Binding Guidelines on the Use of Social Media by Judges*, Vienna, 2019, https://track.unodc.org/track/uploads/res/import/international_standards/social_media_guidelines/Social_Media_2020.pdf, p. 2.

⁸⁵ PENNEY, *Internet Surveillance, Regulation, and Chilling Effects Online: A Comparative Case Study*, in *Internet Policy Review*, 2017, volume 6, issue 2, <https://policyreview.info/articles/analysis/internet-surveillance-regulation-and-chilling-effects-online-comparative-case>; JAHN, *Social Media Communication by Judges: Assessing Guidelines and New Challenges for Free Speech and Judicial Duties in the Light of the Convention*, in ELÓSEGUI, MIRON and MOTOC (eds), *The Rule of Law in Europe: Recent Challenges and Judicial Responses*, Berlin, 2021, pp. 137 ff. On the peculiar relations between the so called “chilling effect” and the protection of judicial independence, see PECH, *The concept of chilling effect. Its untapped potential to better protect democracy, the rule of law, and fundamental rights in the EU*, Brussels, 2021, pp. 20 ff.

⁸⁶ SADURSKI, *Poland’s Constitutional Breakdown*, Oxford, 2019, pp. 142, 145.

⁸⁷ BOSKOVIC and NOVAKOVIC, *Freedom of Expression of Judges and the Influence of Social Media*, in *Bratislava Law Review*, 2025, pp. 135 ff.

⁸⁸ The UN Special Rapporteur on the Independence of Judges and Lawyers has expressed concern “about challenges to judicial independence linked to digital technologies, especially disinformation, online harassment and threats,” underlying that “digital platforms are well-established public squares,” where online attacks are “carried out as part of broader efforts to undermine the independence of the judiciary.” As a consequence, the UN Special Rapporteur “will seek to support individual judges who face online abuse, highlight patterns and identify and disseminate best practices for combating such abuse while upholding human rights.” See UN SPECIAL RAPPOREUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS, *Reimagining Justice: Confronting Contemporary Challenges to the Independence of Judges and Lawyers. Report of the Special Rapporteur on the independence of judges and lawyers*, Margaret Satterthwaite, A/HRC/53/31, 2023, <https://docs.un.org/en/A/HRC/53/31>, pp. 7 ff.

⁸⁹ See *supra*, para. 3.

that are actively engaged in safeguarding what remains of the rule of law in this modern “age of predators.”⁹⁰

⁹⁰ On the current “age of predators,” see the DA EMPOLI, *The Hour of the Predator: Encounters with the Autocrats and Tech Billionaires Taking Over the World*, London, 2025.