

**Report of Sir Nicholas Blake, Chair of the Working Party on Assistance to Judges to EAJ Athens
Meeting June 2023**

1. I attended the Annual Meeting of the EAJ in Porto 2022 and reported on proposals for the work of this Committee. I was not present for the EAJ meeting at the IAJ meeting in Tel Aviv, where I reported to the General Assembly of the IAJ. I will not be present at the EAJ Meeting in Athens but will attend both the EAJ and IAJ meeting in Taipei Taiwan in September. As explained below I plan to stand down as the chair of the working group in September and this will be my last EAJ/IAJ meeting
2. At the General Assembly in Tel Aviv, I learned that despite the communications I had made with the Presidency Committee and the EAJ there was some concern amongst EAJ colleagues that the proposals presented went beyond what was agreed in Nur Sultan (a meeting that I did not attend). I further learned that one of the proposals encouraging the ANAO, African and Ibero-American groups to set up a counterpart of the EAJ working group (see para 2 above) had not met with enthusiasm with those regional bodies.
3. At the meeting of the Working Party in Tel Aviv (our first meeting in person), it was decided that although there was a case to keep the working party in existence until the Taiwan meeting in September 2023 the work would be restricted to two activities:
 - a. Completing a survey of international jurisprudence on judicial independence arising from litigation involving proceedings against judges with a view to submitting it to the Presidency Committee in good time before the Taipei meeting.
 - b. To limit our activities to respond to requests for assistance from the Presidency Committee.
4. There have been no requests for assistance and I have received no contributions from colleagues to add to the initial draft of the case law compendium I had produced in 2022. The current draft has remained unedited for months and is need of updating, revision and editing.
5. In April 2023, in response to an email I sent out colleagues agreed with two proposals:
 - a. The IAJ should establish connections with the International Bar Association Human Rights Institute (see details Appendix 1 below) so that colleagues who faced disciplinary proceedings or prosecution for their work as a judge could seek assistance with legal representation if necessary.
 - b. The case law compendium should be translated into all the working languages of the IAJ.
6. The email also revealed that a number of those who had volunteered their services but had not been able to contribute because of pressure of work and rival commitments now wished to stand down from the working group.
7. I also consider that this autumn I should resign the role of chair and complete my retirement from the Association, having been the England and Wales delegate from 2014 to 2017 and having seen the UK delegation very substantially increase the number and range of judicial participants from across the UK. It has been a privilege to serve the Association over these years, but it is time to stand down altogether I think as a new generation emerges.

8. A version of this report has been sent to the Presidency Committee for its June meeting. The Working Group was an initiative of the Presidency Committee adopted by the IAJ General Assembly in Nur Sultan (when I was not present). If the Presidency Committee are content, I will complete the editing of the current draft of the case law compendium myself (unrevised version attached) and submit the final version in English to the secretariat by the end of June. I should here explain that the idea of this compendium was to familiarise judges *outside of Europe* with the decisions of the 2 European Courts at Luxembourg and Strasbourg relating to judicial independence that have been issued since the Universal Charter of the Judge was adopted by the IAJ. The European Court of Human Rights has cited the Charter as a relevant piece of international practice reflecting standards in this area.
9. It is a sad reflection of the state of affairs that despite the advantage that EU and Council of Europe states have in access to two transnational courts, the problems in Europe, particularly Poland and Hungary, continue and we now see measures undermining judicial independence being adopted elsewhere in the world notably Israel since the last IAJ meeting. Meanwhile the UK Government proposes to legislate to prevent Strasbourg rule 39 provisional measures requests being legally binding in cases of expulsion of migrants and restrict national judges directing stays of removal save on the grounds of real risk of exposure to Article 3 harm.
10. It seems to me that there is insufficient enthusiasm to continue the working party as a standing committee of the IAJ after September 2023. I will present a revised report to the IAJ meeting in due course.

Nicholas Blake

London

19th May 2023

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