



Human Rights
Institute

Concept Note

The role of judges, prosecutors and lawyers in safeguarding democracies

**Room XXV, Palais des Nations
25 June 2023
14:00 - 15:00**

Context

Judicial independence is a prerequisite to the rule of law and to the realization of human rights, including the rights to a fair trial and to an effective remedy. However, in recent years, the independence of judges, prosecutors, lawyers, and bar associations was severely challenged as a consequence of the weakening of democracies around the world. From sweeping reforms driven by political powers to interference in selection mechanisms of high judicial authorities and abuse of accountability mechanisms, independent judges and prosecutors are increasingly constrained or persecuted for performing their work, speak out, forming associations, and protecting themselves against stigmatization campaigns driven by powerful groups or interests.

Attacks on independent lawyers and bar associations have also been reported across the globe. These attacks are in breach of international standards on the independence of lawyers that recognize the role of bar associations, as being of utmost importance in “upholding professional standards and ethics, protecting members from prosecution and improper restrictions and infringements (...)”. Bar associations are charged with functions including promoting and strengthening the independence of the legal profession.

The rise in authoritarian political culture that affects the independence of legal professionals and their ability to play their role in democratic systems is a common phenomenon in various countries, as highlighted by a number of UN bodies and mechanisms, including in the latest thematic report of the UN Special Rapporteur on the Independence of Judges and Lawyers, Margaret Satterthwaite, that will be presented at the 56th session of the Human Rights Council. This trend has a direct impact on access to justice for rights-holders, especially those in the most vulnerable situations. Despite this adverse environment, many judges, prosecutors and lawyers continue to make decisions to uphold democracy and protect human rights.

Against this backdrop, the International Commission of Jurists (ICJ), the International Bar Association's Human Rights Institute (IBAHRI) and the Due Process of Law Foundation (DPLF) propose a side-event to discuss challenges and strategies to strengthen the independence of judges and lawyers and their role in defending democracy and human rights, promoting accountability and ending impunity. Interventions will draw from concrete situations in different regions and contexts, that share common features.

About the event

The in-person event will take place from 2 to 3pm on 25 June 2024 in Room XXV at the Palais des Nations in Geneva, and it will be in English only. After some brief opening remarks by the moderator, the UN Special Rapporteur on the Independence of Judges and Lawyers will comment on her report on "Safeguarding judicial Independence in the face of contemporary challenges to Democracy" for 10 min, followed by 7-minute interventions by the invited panelists to comment on the challenges identified from concrete national or regional situations, illustrating patterns or trends but also opportunities for action in defense of the independence of judges and lawyers facing contemporary attacks on democracies.

Panelists

- Margaret Satterthwaite, UN Special Rapporteur on the independence of judges and lawyers
- Mark Ellis, Executive Director of the International Bar Association
- Pierre Zappelli, UN Representative, International Association of Judges
- Vice-President of the Association of Tunisian Magistrates
- Úrsula Indacochea, Due Process of Law Foundation

Moderator: Santiago Cantón, International Commission of Jurists