

**66th Annual Meeting of the International Association of Judges
19 October 2024 - First Meeting of the Central Council
Remarks of Margaret Satterthwaite, UN Special Rapporteur on the
Independence of Judges and Lawyers**

Opening remarks

Thank you and good morning to the President, Vice Presidents, Mr. Secretary-General, Presidents of the Regional Groups, Honorable Judges, Magistrates, and Colleagues:

I am honored and grateful to address this 66th annual meeting of the International Association of Judges. My thanks to the organizers for their invitation, and for generously making it possible for me to join you for these important conversations.

I am looking forward to hearing shortly from the Presidents of the four Regional Groups regarding challenges that your members are facing.

I am appointed by the UN Human Rights Council as an expert in human rights. But all of you in this room are experts: in the law; in the judicial profession; and in the unique situation of judges in your particular states and regions. Furthermore, as judges, you all play a vital role in upholding and protecting human rights and you are frontline defenders in safeguarding the rule of law. As a result, many of you will have encountered obstacles and interference to conducting your vital work, imposed by actors who do not wish to be held to account in this way. Some of you may even have encountered more severe intrusions on your independence, such as threats, harassment or criminalization.

Before I hear your concerns on these, and other issues, I have been asked to provide some information about the sometimes opaque world of United Nations special rapporteurs, and my role in particular, so that you can better understand the ways in which we might work together to uphold and sustain judicial independence.

I assumed the role of Special Rapporteur on the Independence of Judges and Lawyers on November 1, 2022. The scope of my mandate is to identify and record attacks on the independence of the judiciary, lawyers and court officials, and the progress achieved in protecting and enhancing their independence.¹ My mandate is also tasked with identifying and making concrete recommendations about ways of improving the judicial system.²

¹ http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-1994-41.doc

² https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_8_6.pdf

So, what is a special rapporteur, and what do I do, as special rapporteur, in support of judicial independence?

Special rapporteurs, also commonly known as “mandate holders”, are independent human rights experts. They are appointed by the 47 country members of the UN Human Rights Council to report and advise on human rights issues affecting specific countries, or on particular human rights themes which have a global impact.

Mandate-holders have a diverse array of official titles, from independent experts, to special rapporteurs, to representatives or special representatives of the Secretary-General, to working groups. Together, these various expert mechanisms make up the system now known as special procedures.

Currently, the thematic mandates cover matters as diverse as torture, arbitrary detention, the right to housing, business, cultural rights, and climate change, and many more including my mandate on the independence of judges and lawyers.

The primary activities of special rapporteurs fall into 3 buckets:

First, mandate-holders can respond to **individual complaints** of human rights violations, usually by engaging in correspondence with the alleged violator state or non-state actor, through a process that results in a public statement of the mandate-holder’s concerns. The letters sent by mandate-holders are commonly known as communications.

In my mandate, individual complaints often come from judges and lawyers facing intimidation, threats or criminalization for carrying out their professional duties, but they also touch on more diverse issues, including legal reforms that threaten to undermine the independence of judges or the effective operation of justice systems.

Second, **mandate-holders carry out official country visits**, usually two each year, to examine and report publicly on issues within their mandate in that country. Mandate-holders can only visit countries after receiving an official invitation from the government. The visits result in recommendations to address any problems in the human rights system, which are addressed to the relevant national government and to the Human Rights Council.

And third, mandate-holders prepare thematic reports. My mandate presents two thematic reports each year—one to the Human Rights Council, and one to the UN General Assembly. These reports can focus on any aspect of the mandate, and contain recommendations for all Member states, and other actors, on how best to protect rights.

As an example, in June of this year, I presented a report on safeguarding the independence of judicial systems in the face of contemporary challenges to democracy.³ This report found that across the globe, authoritarian leaders are increasingly undermining judicial independence through four alarming strategies:

- They **capture courts** by appointing politically loyal judges.
- They **curb judicial power** by limiting jurisdiction and resources.
- They **instrumentalize the law to punish** judges and others who can check their power using criminalization and disciplinary proceedings.
- And, at worst, they **weaponize the system through public attacks or even violence against justice actors.**

These tactics are justified by portraying the judiciary as undemocratic elite, yet as we all know well, an independent judiciary is essential to democracy and human rights, holding everyone—including the state—accountable to the law.

Later this month, I will present a report that examines the improper influence of wealthy economic actors on judicial systems.⁴ This report found that in a climate of increasing economic inequality, powerful economic actors in many places are using their financial clout to infringe on the independence of the judiciary.

- These improper pressures exerted by economic actors include attempts to intervene in processes to determine who becomes a judge, and lobbying sitting judges to make them more receptive to their aims.
- Wealthy individuals and corporations also misuse justice systems to achieve their goals, bringing strategic lawsuits against public participation (SLAPPs) that masquerade as a defence of private interests, but in fact seek to suppress legitimate criticism, oversight or resistance to their activities.

My next HRC report will be on Indigenous Justice, and my report to the GA in 2025 will be on the impact of Artificial Intelligence in the judicial system.

As always, your input into the mandate's reports is crucial.

Finally, before turning the floor over to you, I want to explore how special rapporteurs can help to effect change.

³ <https://www.ohchr.org/en/documents/thematic-reports/ahrc5662-safeguarding-independence-judicial-systems-face-contemporary>

⁴ <https://www.ohchr.org/en/documents/thematic-reports/a79362-report-special-rapporteur-independence-judges-and-lawyers>

Special rapporteurs possess co-called “soft power”. Their work has impact through promoting public awareness of significant human rights violations, bringing specific cases to the attention of governments, non-state violators, and the public; and documenting particular human rights situations over time, so that improvement or deterioration can be monitored.

Special rapporteurs can also use their good offices to engage in dialogue with governments and offer technical advice.

Given the nature of my role and its global scope, I rely on trusted experts within States to bring situations of concern to my attention, and to offer their views on what forms of intervention would be most effective.

This is why it is so important for me to hear from you today, and why I am so grateful to the Regional Groups for the work you have done to identify key issues that you would like to discuss with me. With that, I wish to open the floor to the Presidents of the Regional Groups to present their members’ concerns. I look forward to engaging in this discussion with you.

In closing, I want to say that judges should never have to be heroes. But again and again, we see judges like you rising to the challenge when your independent role is challenged. I commend you for the hard work you do every day, and I hope you do not need to take heroic acts simply to continue your work. My mandate is here, prepared to speak out when your rights are at risk, and when the crucial role of an independent judiciary is on the line.

Thank you.