European Committee on Legal Co-operation (CDCJ)

Strengthening Judicial Independence: Career and training of judges

Launch conference of the report on the first thematic review
under the Sofia Action Plan

*Strasbourg, 17 November 2026*

CLOSING SESSION

17.00 p.m. to 17.00 p.m

Margaret Satterthwaite

UN Special Rapporteur on the independence of judges and lawyers

260911- CDCJ TPs

Closing keynote — Council of Europe conference on the Career and Training of Judges

Madam Chair, distinguished colleagues, friends,

Thank you very much for the invitation to join you today. I am sorry not to be with you in Strasbourg in person, but I am very pleased to contribute to this important discussion.

I would like to thank the European Committee on Legal Co-operation, the Council of Europe, and all those who have contributed to the first thematic review of the Sofia Action Plan.

Ten years after its adoption, the Plan remains an important commitment to independent and impartial justice. Today's discussions remind us that independence cannot simply be written into laws and constitutions. It must be protected in the everyday life of courts, including when it is most seriously tested.

The discussions today have brought together two dimensions of judicial independence that are sometimes treated separately: protections during the careers of judges and their professional training. Both are essential to ensuring that judges can perform their functions competently, impartially and free from improper influence.

I would like to reflect on several messages emerging from these discussions, before suggesting some priorities for the next phase of work under the Sofia Action Plan.

## (A) Judicial independence must be protected throughout a judge's career

The first message is that judicial independence is not secured at the moment of appointment alone. It must be sustained throughout a judge's career.

This is closely connected to the work of my mandate.

Earlier this year, I presented to the United Nations Human Rights Council my report on *Principles for Judicial Appointments*, setting out fifteen principles to ensure that judicial selection and appointment procedures strengthen independence and impartiality, rather than create opportunities for political interference.

The principles emphasize merit, integrity, objective and transparent criteria, equality of access, diversity, and effective safeguards against improper influence.

They also recognize that there is no single institutional model for judicial appointments. Different systems can safeguard judicial independence, provided that judges are selected on the basis of their qualifications and ability to administer justice independently, rather than political loyalty or connections to powerful interests.

I was therefore particularly pleased to see the attention devoted to this issue today.

Yet even the most carefully designed appointment process cannot, on its own, secure independence throughout a judicial career.

The European Court of Human Rights addressed this risk in *Bilgen v. Turkey*. It found a violation of Article 6 because a judge transferred against his will could not obtain judicial review of that decision. Drawing, among other sources, on the work of my predecessor Gabriela Knaul, the Court underscored the need for safeguards against arbitrary transfers and improper external or internal influence.[1]

The judgment illustrates why safeguards and effective remedies are essential throughout judicial careers. We often focus on interference by the executive or legislature. But pressure may also come from within judicial institutions themselves, through the exercise of administrative, supervisory or disciplinary powers.

A judge should never have to wonder whether faithfully applying the law will cost them their position or their future.

Institutional independence must ultimately protect the independence of the person deciding the case.

---

[1] ECtHR, Bilgen v. Turkey, Application No. 1571/07, judgment of 9 March 2021, §§ 37, 58–63 and 95–97. See also Gabriela Knaul, Report on her mission to Turkey, A/HRC/20/19/Add.3 (2012), §§ 40–42.

(B) Gender equality and professional training are essential to independent and impartial justice

Second, gender equality must be part of how we understand both merit and judicial independence.

I also welcome the conference's attention to this issue today.

The thematic review notes real progress: women made up 57 per cent of newly recruited professional judges in 2022, compared with 49 per cent in 2012. Yet women accounted for only 42 per cent of court presidents.[2]

These figures remind us that opening the doors of the judiciary to women is not the same as ensuring their equal opportunities to advance within it.

In my work on judicial appointments, I have been struck by how apparently neutral criteria can reproduce longstanding inequalities.

We speak of merit as if its meaning were self-evident. Yet the professional experiences traditionally rewarded in judicial careers may reflect pathways that have been more accessible to men.

An uninterrupted career, freedom to relocate, experience in a prestigious legal practice, or the support of informal professional networks can all be treated as evidence of suitability. But access to these opportunities is not evenly distributed, particularly for those carrying disproportionate caregiving responsibilities. And women facing racial, ethnic or other forms of discrimination may encounter additional barriers.[3]

We should take merit seriously enough to examine whether our criteria genuinely reflect the qualities required of a good judge or simply reproduce familiar patterns of professional advancement.

Do they identify the judgment, integrity and ability a good judge needs? Or do they reward a familiar picture of what a judicial career is supposed to look like?

We need transparent promotion decisions, fair access to training and leadership opportunities, and working arrangements that recognize the realities of people's lives. We also need data that show not just who enters the judiciary, but who advances and who is left behind.

Gender equality is a matter of rights. It also matters to the legitimacy of institutions that must serve the whole public.

---

[2] CDCJ, *Thematic Review* (2026), para. 30, p. 19, citing the CEPEJ evaluation report (2024 evaluation cycle, 2022 data).

[3] See Kate Malleson, *Rethinking the Merit Principle in Judicial Selection*, 33 *Journal of Law and Society* 126 (2006); Margaret Thornton, *'Otherness' on the Bench: How Merit Is Gendered*, 29 *Sydney Law Review* 391 (2007); Sally J. Kenney, *Choosing Judges: A Bumpy Road to Women's Equality and a Long Way to Go*, 2012 *Michigan State Law Review* 1499. See also A/HRC/62/43, Principles 7 and 10.

Representation is only part of the story. People appearing before the courts must also receive justice free from discrimination. A formally independent court can still fail them if stereotypes shape whose evidence is believed or whose experiences are taken seriously.

### (C) Judicial training must strengthen impartiality, competence and integrity

This leads to my third message: judicial training is integral to impartiality and professional independence.

The thematic review draws on GREVIO findings showing, for example, how domestic violence can be minimized or misunderstood in judicial proceedings.[4] This issue has arisen in communications brought before my mandate as well.

Training in equality, human rights and judicial ethics can help judges recognize and challenge these assumptions, strengthening their ability to deliver impartial justice. Its value lies in how training shapes judicial practice and, ultimately, the experiences of those who turn to the courts for justice.

The same is true of emerging technologies. Artificial intelligence presents opportunities to improve the administration of justice, but it can also reproduce bias, obscure responsibility and put pressure on independent judgment.

As I emphasized in my 2025 report, judges must be equipped to critically assess these technologies, understand their limitations, and ensure that their use never compromises fairness, independent judgment, and the right to a human judge.

Training is no substitute for structural independence; it helps judges exercise that independence with competence, integrity and care.

### (D) Looking ahead: priorities for future work under the Sofia Action Plan

Looking ahead, I would like to highlight three priorities for the Sofia Action Plan.

First, the protection of judges against intimidation, threats and retaliation.

My experience in many countries in various regions demonstrates that too often, judges, prosecutors and lawyers pursuing accountability have faced intimidation, criminalization and exile. Sometimes these threats emanate from other branches of the State; sometimes they come from organized crime or violent individuals on one end of the political extreme. Whatever their source, such threats and attacks require decisive action. This awareness has reinforced my conviction that the protection of justice operators deserves sustained attention everywhere.

The Sofia Action Plan already recognizes the need to protect judges against threats and improper interference.[5] Building on that commitment, a future thematic review could examine how member

---

[4] CDCJ, *Thematic Review* (2026), paras. 83–86, pp. 37–38

[5] Council of Europe, *Sofia Action Plan*, CM(2016)36 final (2016), Actions 1.4 (public criticism and political pressure), 2.1 (interference by judicial hierarchies), 2.2 (accountability mechanisms and reprisals) and 2.6 (protection against attacks on judges' physical or mental integrity, freedom and safety). See also CDCJ, *Review of the Implementation of the Sofia Action Plan*

States respond to intimidation and retaliation in practice—both in person and online—including the protection of judges and their families and the remedies available when safeguards fail.

Second, I would encourage the CDCJ to place gender equality at the center of its follow-up work.

The thematic review provides an important starting point. Further comparative work could examine why women remain underrepresented in senior judicial positions, how discretionary promotion systems operate, and which measures effectively remove structural barriers to advancement. It would also be valuable to examine the composition of judicial councils and selection bodies, access to training and professional opportunities, and the effectiveness of measures addressing gender stereotyping. CEDAW's new General Recommendation on "Dismantling gender stereotypes and the unequal power relations that sustain them" will be a helpful guide in this endeavor.

Third, I would encourage consideration of a thematic review on the career and independence of prosecutors.

I understand that this possibility has already been raised within the CDCJ and I believe it deserves serious consideration.[6] There is relatively little attention to the career of prosecutors as distinct from that of judges. A comparative review could examine safeguards concerning appointments, transfers, disciplinary proceedings and hierarchical instructions, particularly where prosecutors investigate corruption or serious human rights violations involving powerful interests. In this time of pressure by economic, political, and armed force, such a review may well be in order.

## Conclusion

The Sofia Action Plan gives us a strong foundation. Our task is to turn that foundation into lived protection: for the judge deciding a difficult case, for the woman seeking an equal opportunity to lead a court, for the lawyer defending an unpopular client, and above all for each person seeking a fair hearing.

Judicial independence is not a privilege of those who work in justice systems. It is a guarantee for everyone who needs justice, including against the most powerful.

Thank you very much.

---

(2022), paras. 44–50, documenting harassment, political pressure and media attacks against judges in several member States, including Serbia, Romania and Andorra; and CCJE, *Opinion No. 28 (2025) on Judicial Well-being*, para. 60(iv), recommending mechanisms to assess and monitor threats to judges' physical, psychological and digital safety.

[6] Sofia Action Plan (2016), Actions 3.1 and 3.2, concerning prosecutors' recruitment, career development, tenure and protection from improper internal or external pressure. CDCJ Bureau, *Report of the 124th Meeting*, CDCJ-BU(2026)03, 13 March 2026, para. 15, expressly identifying the career and training of prosecutors as a possible next thematic review, while leaving open further work concerning judges.