



European Network of Councils
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Dear colleagues, it is a great pleasure to join this panel today. While addressing the topic of today's forum, many speakers have already touched upon the threats that legal professions face and some insights how to respond to them effectively were also offered. So, some of my thoughts may sound familiar. Yet, I would like to address the topic of this roundtable from a slightly different angle – an overview of several threats that the ENCJ as an organization identifies for the judiciaries across Europe and possible ways to address them. These threats were defined in **Riga Declaration**, adopted by representatives of the **Councils for the Judiciary of EU** in June this year. The declaration reminds us of a simple but important truth: the judiciary guarantees respect for individual rights through the fair application of the law. It underlines Judges uphold the **Rule of Law** by delivering **high-quality, timely, and transparent justice**. That is why judiciary as separate and independent branch of power must be defended without compromise. Separation of powers helps ensure courts are impartial: when courts are not part of the political process, they can judge without bias or fear of political consequences.

It is acknowledged in the Declaration that in recent years, a combination of factors created fundamental challenges to the Rule of Law. Four such factors are indicated and they include political developments, societal changes, a massive change in the media landscape and the impact of digital advances. Each one of these phenomena present threats to the Rule of Law and associated challenges to the judiciary and some of them directly relates to the separation of powers and the system of checks and balances — the very core of democracy. When this balance is disturbed, the judicial system cannot function properly. And such lack of respect for judicial independence by government¹ was clearly reported by judges in the 2025 ENCJ Survey among judges.

The undermining of the judiciary can include intent to intervene the selection and promotion procedures of judges, expanding executive or parliamentary control over judicial self-governance bodies (including judicial councils), the failure to implement decisions that go against the government, restrictions in budgetary allocations for courts and much more. All such actions influences court users' perceptions: when courts are seen as independent from political influence, public trust grows. This tendency may be seen from rule of law reports.

¹ [ENCJ Survey among judges about their independence 2025](#), Figure 44 Respect for judicial independence by government Note: Average survey 2022: 25% Average survey 2025: 27%.

So today I will touch only some of them such as (1) selection and appointment of judges, (2) tensions in the domain of digitalization and (3) the increasing use of media by political actors to exert pressure on the judiciary by unfounded criticism.

1. I shall start with **the selection, appointment and appointment of judges**. We are all aware of European standards on the selection and promotion of judges, which underline that judges should be selected and appointed based on merit and capability². Appointment and promotion of judges should follow predetermined, transparent criteria, with meaningful peer-participation and minimal direct political appointment. Therefore significant role in the process should be given to Council for the Judiciary or equivalent body of judicial representation, while the role of the executive or legislature should be mainly ceremonial³.

The judicial system put a lot of work for building proper and transparent system of selection with clearly defined criterions, which are publicly available, with best models of it – for example the project “Portrait of judge”⁴. But this cannot be said about politicians.

The Council of Europe still states that **political influence over judicial appointments and governance** is “the biggest threat to judicial independence” in many member states. Looking at the results of the ENCJ Survey among Judges 2025, unfortunately, it must be admitted that this is still true in the EU Member states as well. From the results presented by Prof. van Dijk we see that while the judges themselves believe that appointment to the first instance is based on merit, the opinion shifts rather drastically, when it comes to the appointment of the judges to the courts of highest instance. Indeed, regretfully, it must be stated that the appointment to the highest courts sometimes become a matter of a public debate or even political struggles, between the executive and legislature leaving the judiciary as a third power on the sidelines of this debate. This affects not only the perception of judges of the transparency of the process, but also the view and trust of the society in courts. And usually the image of the judiciary is negatively affected in such a debate.

2. Another challenge is the **digitalization**. Nobody already argues that these tools may be helpful for performance of administrative tasks, analysis and systematization of data but the use of them in administration of justice should be very cautious, limited and with due control. We should remember that they come with some inherent challenges. Quite often the funding, related to the digitalization is within the executive power. And during the past year, the ENCJ has witnessed in several instances how it can become a point of tension between the judiciary and the executive. Not only the judiciary may be left aside from designing and implementing digital solutions and storing judicial data, but the solutions offered may affect judicial independence – for example by possibility to access the judicial data from the outside by the executive state institutions⁵. In several countries, the servers that were previously placed with the judiciary were moved outside to the new state institutions. In fact, Lithuanian judicial system tries to overcome such challenge as well – we are proposed to move our servers to the uniform platform, owned by partly private entity. So far we are happy that there are technical issues that hinder all the procedures. Lastly, we are aware of the requests to release not anonymized data under the Open AI directive. It is the ENCJ opinion that the combination of these actions could lead to a direct breach of judicial

² https://www.ency.eu/images/stories/pdf/GA/Dublin/final_report_standards_ii.pdf

³ <https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI%282019%29008-e>, p. 16-17.

⁴ <https://judgeportrait.eu/>

⁵ Statement on involvement of Judicial Councils in the IT design: <https://www.ency.eu/node/709>.

independence and can potentially severely undermine the balance of state powers. Therefore, the position of the ENCJ is that the questions of digitalization should remain with the Councils capable to undertake this task. If councils lack such competencies, the representatives of the judiciary should be included in the process of all changes and design from the beginning and should have a decisive say, regarding the issue of judicial independence.

3. As a the third issue, I would like to address **the use of media by political actors to put pressure on the judiciary**. Pressure from the media, including social media to decide cases in a particular manner⁶ is one of the issues affecting judicial independence. The ENCJ also observes a trend, which raises a serious concern with regard to the pressure to judges and even their intimidation through regular hostile media campaigns.

These campaigns may be related to decisions in high profile cases, but also to putting pressure on the judiciary as a whole. In the last several months we have witnessed surge of such activity in three ENCJ members and observers (Romania, France and Moldova), while from the previous experience, we are aware of such actions in at least one more (Hungary). While judges should accept legitimate criticism, these tailored actions reflect a trend that threatens judicial independence, weakens the separation of powers. They have a long-lasting impact on the image of the judiciary as a whole undermining the trust of the society in judiciary and contributing to the **erosion** of the rule of law.

So in conclusion I would like to stress our Shared Responsibility to overcome or fight these challenges. Our community of legal professionals must remain vigilant. We should be able to recognise these threats early and respond firmly. And therefore the role for the Councils for the Judiciary or alternative representation bodies should be very active not only in building working relationships between the executive and the judiciary without jeopardising the separation of powers but also in showing leadership and courage, telling the story of the judiciary effectively and building judicial solidarity among the European judiciaries.

We should always remember that Judicial independence is not a privilege of judges — it is a guarantee for every citizen. It protects our democracies, ensures fairness, and upholds public trust in justice.

Thank you.

⁶ [ENCJ Survey among judges about their independence 2025](#), Figure 44 Respect for judicial independence by government Note: Average survey 2022: 25% Average survey 2025: 27%.