



AEAJ Advisory Group – Paper n° 2

On Attacks on Judges

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Expertise of the Advisory Group of the Association of European Judges - AEAJ

by Alen Rajko

1. Introduction

(1) "The rule of law is neither intangible nor sacred". This statement by the French Minister of the Interior¹ is not an isolated excess, but an undisguised indicator of the shift in the understanding of the conceptions of a democratic state that has recently occurred among parts of the European political elites, even in mainstream parties and not only in transition countries. There are many forms of attacks on judges, but I begin my analysis of this issue indicating at the very beginning the problem that I consider crucial: the risk of a significant disorder in the system of checks and balances, and thus in the very core of European political and legal concept. The problem is Europe-wide and relevant in the light of fundamental principles of European law.²

(2) For the purposes of this analysis, attacks on judges are considered to be direct and indirect external pressures that do not form part of the formal oversight mechanisms common in democratic states governed by the rule of law, that are not inherent in the very nature of the usual performance of judicial duties, and that are not objectively outweighed by the necessity to protect freedom of expression. In this sense, the concept of pressure³ is broader than the concept of attack.

(3) In the context of the rule of law, attacks on judges can primarily affect the judges' independence and impartiality, their integrity, public trust in the judiciary⁴, and the well-being of judges⁵.

¹ E.g.: https://www.lemonde.fr/en/politics/article/2024/09/30/french-interior-minister-wants-immigration-referendum_6727756_5.html

² „We are witnessing a new ‚format of democracy‘: electoral victory is interpreted as an unlimited mandate to govern without checks and balances.“ Monica Mastrandrea, How legal professions can help maintain the resilience of our institutions – the example of Italy. ERA Annual Conference 2025: <https://share.era.int/index.php/s/toPZNBCF48XQWTn?dir=/Speakers%27%20contributions>

³ Van Dijk's typology of pressures comprehends: external case related pressure; selection of judges; (social) media influence; internal case related pressure; working conditions (Frans van Dijk, Giving voice to judges). Gielen writes about political, economic, private pressure (Patrick Gielen, Our Strength). Source of both quotations: ERA Annual Conference 2025: <https://share.era.int/index.php/s/toPZNBCF48XQWTn?dir=/Speakers%27%20contributions>

⁴ According to Schmitz, „public trust is the oxygen of justice“. Marc Schmitz, Ethics and Accountability: How to Increase Public Trust. ERA Annual Conference 2025: <https://share.era.int/index.php/s/toPZNBCF48XQWTn?dir=/Speakers%27%20contributions>

⁵ See recently adopted CCJE Opinion No. 28 (2025) on the importance of judicial well-being for the delivery of justice <https://rm.coe.int/opinion-no-28-2025-of-the-ccje-published-/4880296bfa>
See also the study on vulnerability and resilience of the judiciary within *Das Justiz Projekt: Verwundbarkeit und Resilienz der dritten Gewalt*, Verfassungsbooks, 2025:

(4) This paper systematizes the so far registered main types and methods of attacks on judges (with some national examples), as well as the goals that the attackers try to achieve. The specific issues inherent to the administrative judiciary were considered too. Corresponding conclusions and recommendations are also offered. The basis for drafting the paper was the discussion at the annual meeting of the AG AEAJ in Leipzig in September 2025.

2. The most common types and methods of attacks

(5) Judicial independence is a cornerstone of constitutional democracy and the rule of law. Over the past several years, an alarming array of measures – both subtle and overt – have been deployed by political actors, media outlets and other third parties to undermine both the institutional authority of courts and the personal integrity of individual judges. The declarations, statements and analyses assembled in this paper (notably the Declaration of Riga⁶, statements by MEDEL and other organizations, national press reports, and legal commentary) reveal common patterns of attack as well as country-specific manifestations.

(6) The following categories capture the principal forms of attacks on judges, primarily through pressure and delegitimization:

(a) Physical and psychological intimidation

- Direct threats of violence against judges inside or outside courtrooms.
- Campaigns of hate speech and harassment that inflict psychological distress, impairing impartial decision-making.
- Atmosphere of “trial by media” that chills the willingness of judges to decide difficult or politically charged cases.

(b) Political and legislative interference

- Enactment of laws or regulations that expand executive or parliamentary control over judicial appointments, promotions or discipline.⁷

https://verfassungsblog.de/wp-content/uploads/2025/12/ZillessenBrandauLaude_DasJustizProjekt_2025.pdf

⁶ ENCJ, Declaration of Riga - Confronting Threats to the Rule of Law: <https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Declaration%20of%20Riga%20final.pdf>

The Declaration of Riga (2024), adopted by Councils for the Judiciary across Europe, underscores the multifaceted nature of contemporary threats to judicial independence. It warns that, beyond blatant assaults on case outcomes, political actors are deploying a range of incremental measures—from budgetary restraint to media manipulation—that cumulatively corrode public confidence in courts. The Declaration calls on judicial councils to monitor and publicly expose any incursion on separation of powers, to engage in outreach with civil society and media, and to invoke both national constitutional safeguards and EU-level rule-of-law mechanisms at the first sign of threat.

⁷ Reports by EU institutions and civil-society monitors document a sustained campaign by governing parties—particularly in Poland—aimed at subordinating the judiciary. This has involved restructuring the appointment of constitutional and ordinary-court judges, broadening disciplinary sanctions against

- Failure to consult judicial self-governing bodies on proposed reforms⁸ or budget allocations⁹.
- Use of disciplinary procedures and threats of dismissal against judges who render rulings contrary to the political majority.
- Abusing organizational measures, including pressure on work results, and inadequate working conditions of judges.

(c) Public vilification and targeted media campaigns¹⁰

- Profiling, “naming and shaming” individual judges¹¹ in social and traditional media, accompanied by allegations of bias, incompetence or “political motivation.”
- Deployment of orchestrated disinformation and conspiracy theories to portray courts as out of touch or hostile to “the people.”
- Stigmatising and stereotyping rhetoric about judges.
- Utilization of politicians’ statements — sometimes repeated verbatim by sympathetic outlets — to foster public mistrust in judicial institutions.

(d) Resource manipulation and institutional undermining

- Systematic underfunding of courts, leaving judges without adequate support staff or facilities.
- Stalling of salary increases for the judiciary while other sectors receive inflation-linked raises.¹²

“rogue” jurists, and subjecting judicial councils to executive oversight. In Hungary, similar patterns have emerged, including politicized appointments and legislative encroachments on court budgets.

More on the example of Poland, see e.g.: <https://iustitia.pl/sedziowie-nie-beda-przedkladac-wlasnych-karrier-nad-prawo-obywateli-do-niezaleznego-sadu/>

⁸ The current "Framework Standards for the Work of Judges" in Croatia, essentially a rigid regulation of the quantitative standard of judges’ work (different from the practice in other member states), was adopted by the Ministry of Justice despite the request of the Supreme Court (which participates in the procedure for adopting the Standards) to first present the reasons for increasing the statistical norm of judges’ performance.

⁹ In August 2025, MEDEL (*Magistrats Européens pour la Démocratie et les Libertés*) denounced a government-led budgetary campaign that accompanied repeated amendments to the Statute of Judges and Prosecutors in Romania. Leading officials publicly criticized courts as financially wasteful, implicitly encouraging disobedience of judicial orders, and thereby fomenting an environment of hostility and intimidation. <https://medelnet.eu/wp-content/uploads/2025/08/Statement-on-Romania-120825-.pdf>

¹⁰ In October 2024, following a series of asylum rulings by the International Protection Section of the Court of Rome, MEDEL condemned a coordinated media campaign that publicly identified one judge by name and accused her of “political opposition” to government migration policy. Such personal vilification was declared an unacceptable breach of separation of powers and an attack on the rule of law. <https://medelnet.eu/statement-on-the-recent-attacks-on-the-italian-judiciary-2/>

¹¹ E.g.: [https://www.simonnetavocat.fr/sarkozy-lybie-le-jugement-penal-complet-en-pdf/#Menaces contre la presidente du tribunal une derive intolérable](https://www.simonnetavocat.fr/sarkozy-lybie-le-jugement-penal-complet-en-pdf/#Menaces%20contre%20la%20presidente%20du%20tribunal%20une%20derive%20intolérable)

¹² For more about this topic see: Holger Böhman, Study on the adequate remuneration of judges, AEAJ AG. https://aeaj.org/wfcms//uploads/2025-04-03_AEAJ_-_AG_-_Remuneration_of_judges_final.pdf

- Blocking of judicial budgets or unilateral subordination of judicial spending to executive decision.

(e) Digital and data-driven threats

- Profiling of judges through public databases and social-media scraping, making it possible to identify those who issued sensitive or unpopular rulings.
- Potential executive access to judges’ computers or case-management systems, raising fears of surveillance or interference.
- Spread of targeted online harassment and doxxing, which magnify reputational and safety risks.

(f) Delegitimization of judicial review¹³

- Assertions by high-ranking officials that courts lack competence to review certain categories of executive or legislative acts.
- Statements to the effect that “elected majorities” stand above judicial oversight, thus eroding the separation of powers.
- Denial of the judiciary's fundamental role and its specific position within the separation of powers.
- Attempts to limit access to preliminary-ruling procedures or to negate the supremacy of higher courts (e.g., the CJEU).

(7) Three main groups of actors appear in the attacks:

- the media, which due to their special social role in a democratic society are entitled to an additional margin of criticism
- various types of members of the general public
- political office holders, despite the fact that in most countries they have sworn to respect the national constitution and are expected to show a greater level of responsibility and restraint when criticizing the judiciary.

(8) There are various goals that are sought to be achieved through attacks. First and foremost, these are: influencing the outcome of a specific case; a broader chilling effect on judges; political scoring in the electorate; wider share in the media market; reprisal for decisions or the way courts operate; an attempt at systemic changes in the standard system of a democratic state governed by the rule of law.

3. The context of the administrative judiciary

¹³ MEDEL’s April 2025 statement laments the “delegitimization” of judges in the so-called National Rally assistants’ case in France. Judges were publicly branded as “enemies of the people” for rendering decisions that allegedly frustrated the popular will. MEDEL warned that when public authorities adopt a rhetoric of partisanship against courts, they undermine not only individual judges’ safety but the very legitimacy of judicial review. <https://medelnet.eu/wp-content/uploads/2025/04/MEDEL-statement-France.pdf>

(9) In addition to the issues common to attacks on judges across all branches of the judiciary, it is important to keep in mind several additional specificities of the administrative judiciary.

(10) First, administrative courts in general have the competence and task to scrutinize decisions of public authorities when challenged by the parties. Such decisions are frequently based on the implementation of a political agenda of the executive branch. Hence, it is likely that judges deciding on such cases are accused of making political decisions too, and for this they are the targets of attacks. At the same time, the administrative judiciary is the branch which primarily has to protect the rights of citizens against the other state powers when assessing the legality of administrative acts against the law in force, which includes general and constitutional national, European, and international law where applicable. In this function, a high degree of independence is required.

(11) Second, there are types of administrative court cases that more often attract some actors to attacks on judges. In this period, these are primarily immigration cases.¹⁴

(12) Third, the executive branch is usually responsible for enforcing administrative court judgments. In that respect, shift in balance that upholds the rule of law and increasing tensions between state powers may reduce the effectiveness of the enforcement of administrative judicial decisions.

(13) Fourth, the administrative judiciary, which controls part of the activities of the executive branch and sometimes directly decides on an administrative matter by replacing the administrative decision, is one of the key elements not only of the exercise of fundamental rights and freedoms of citizens, but also of the system of checks and balances.

(14) Fifth, the decisions of the administrative courts, which interfere with the decisions of the executive power, are more likely to trigger attacks by political actors.

4. Conclusions and Recommendations

(15) The European Court of Human Rights has affirmed in several landmark decisions that liberal democracy aligns fundamentally with the principles of the European Convention on Human Rights¹⁵. But, one should always keep in mind that the level of democratic and legal development reached is not irreversible.

¹⁴ Media commentary surrounding the Berlin Administrative Court's interim decisions on asylum-seeker admissions revealed a distinct pattern of allegations of incompetence and "political motivation." The Federal Interior Minister publicly questioned the court's authority, suggesting that urgent provisional measures could not yield binding outcomes. Conspiracy theories were spread by fringe outlets to allege that the bench had usurped jurisdiction, further exposing judges to personal attacks and threats. <https://www.lto.de/recht/hintergruende/h/vg-berlin-6119125-zurueckweisungen-rechtswidrig-fake-news-faktencheck>
<https://www.rbb24.de/panorama/beitrag/2025/06/berlin-angriffe-richter-justiz-urteil-zurueckweisungen-grenzen.html/listall=on/print=true.html>

¹⁵ E.g. *Refah Partisi (The Welfare Party) and others v. Turkey* (2003); *Norwood v. United Kingdom* (2004); *Animal Defenders International v. United Kingdom* (2013); *Hizb Ut-Tahrir na Others v. United Kingdom* (2012); *Ayoub and Others v. France* (2020).

(16) Attacks on judges take various forms. Usually they involve different types of intimidation, legislative activities, organizational and funding decisions, and abusing public speech.¹⁶

(17) Leaving aside attacks and threats to the physical integrity of judges, attacks by political actors arguably represent the highest level of risk, especially long-term. Moreover, attacks by politicians encourage attacks by other actors. Judges rightly expect political office holders in the executive and legislative branches not to question the fundamental elements of the rule of law and to show responsibility, caution and restraint when criticizing the judiciary.

(18) The physical security of judges and courts is the exclusive responsibility of the executive branch.

(19) For the judiciary it is necessary to consistently and effectively communicate publicly that warnings on attacks on judges are not excessive reactions by judges seeking a greater level of protection than they are entitled to, but rather fundamental issues of the democratic order, the rule of law, and the achieved level of social development. The aforementioned communication should include clear explanations as to why it is in the public interest to maintain a strong and independent administrative judiciary. Administrative judges are neither enemies of the people nor a detached or alienated social elite. Attacks on the administrative judiciary may result in the erosion of citizens' judicial protection against unlawful decisions and actions by the executive branch.

(20) When considering whether and how to respond to a particular attack, national supreme courts and judges' associations, and where necessary other courts, should act promptly, taking into account: (a) whether it is a permissible and protected criticism or an improper attack, (b) the role of the perpetrator of the attack, (c) whether the response is proportionate to the seriousness of the attack, and (d) communicating in clear a language that is understandable to the general public. The establishment of related operating procedures may be welcome. At a proactive level, it is useful for national supreme courts and judges' associations to participate in public debates that are directly or indirectly relevant to the issue of attacks on judges.¹⁷

(21) Within the cooperation with the academic community, national supreme courts and judges' associations should encourage the inclusion of additional teaching content on the importance and vulnerability of the rule of law and judicial independence in the law faculties curricula.¹⁸

¹⁶ For further insight into the practice in the USA, see e.g.: <https://judicialstudies.duke.edu/2025/02/how-to-respond-to-attacks-on-judges-and-judiciary/> https://www.actl.com/wp-content/uploads/legacy/default-document-library/actl-guidelines-for-a-response-to-attacks-on-judges-and-justices.pdf?sfvrsn=bf314a04_4

¹⁷ More on judiciary – media relations see in: Alen Rajko, Relations between the (administrative) judiciary and the media: partnership and independence, AEAJ AG.

¹⁸ Wider, in the terms of public education, Wendler writes on two dimensions of education: civic education (how justice works), social education (why it matters). Eva Wendler, Public awareness and education: The Role of Legal Professions. ERA Annual Conference 2025: <https://share.era.int/index.php/s/toPZNBCF48XQWTn?dir=/Speakers%27%20contributions>

(22) Active participation in the EU Rule-of-Law Scheme is of utmost importance.¹⁹ When appropriate, the judges should refer attacks on them under the scrutiny of European courts.²⁰ Sometimes it may be wise to engage in civil-society mobilization, in a manner that does not call into question the independence and impartiality of the judiciary.

(23) For the credibility of the judiciary's responses to attacks, it is necessary for the courts themselves to demonstrate integrity and consistency, as well as a willingness to accept criticism that is common in a democratic society based on the rule of law.

(24) Also in this matter, judicial solidarity within individual countries and at the European level is necessary, as it is the exchange of good practices between countries. Appropriate solidarity from judges is also expected in relation to attacks on members of other legal professions.

(25) If current unfavorable trends continue, it is likely that the administrative judiciary will be the most vulnerable to attacks from political factors, and possibly other actors. This highlights the importance of appropriate public communication of the specific role of the administrative judiciary, but also of special caution so as not to jeopardize the achieved level of independence of administrative courts in a respective country.

(26) The documents reviewed paint a stark picture: judicial independence in Europe is increasingly subject to multi-vector assaults, that exploit political polarization, weakened media ecosystems and digital vulnerabilities. Although the specific manifestations differ by country, the underlying playbook is remarkably uniform: undermine public confidence in the impartiality of courts, marginalize or punish dissenting judges, and recast judicial checks and balances as obstacles to “popular will.” A strong defence requires both prompt, united action by judicial bodies and associations —issuing legal opinions, engaging civil society, and invoking constitutional and EU-level safeguards, as well as sustained efforts to inform citizens about the essential role of independent courts. Only by exposing and resisting every form of attacks on judges and other abusive interference—be it legislative, financial, rhetorical or digital—can the judiciary fulfil its duty as guarantor of fundamental rights and uphold the rule of law.

¹⁹ The Scheme comprises European Commission’s annual Rule-of-Law Reports and infringement proceedings under Article 258 TFEU can be triggered where fundamental judicial safeguards are undermined. The Commission also deploys structured Rule-of-Law Dialogues with Member States.

²⁰ E.g. where it is appropriate to refer to the CJEU questions concerning the compatibility of acts by national institutions undermining judicial independence and authority by attacking judges with Union law.

5. Background documents

- ENCJ, Declaration of Riga - Confronting Threats to the Rule of Law

<https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Declaration%20of%20Riga%20 final.pdf>

- CCJE Opinion No. 28 (2025) on the importance of judicial well-being for the delivery of justice

<https://rm.coe.int/opinion-no-28-2025-of-the-ccje-published-/4880296bfa>

MEDEL

- Statement on the recent attacks on the French judiciary

<https://medelnet.eu/wp-content/uploads/2025/04/MEDEL-statement-France.pdf>

- Statement on the recent attacks on the Italian judiciary

<https://medelnet.eu/statement-on-the-recent-attacks-on-the-italian-judiciary-2/>

- MEDEL strongly condemns the constant campaign of denigration of the judiciary, actively encouraged under the pretext of repeatedly reforming the Statute of Judges and Prosecutors in Romania.

<https://medelnet.eu/wp-content/uploads/2025/08/Statement-on-Romania-120825-.pdf>

ERA, European forum of the legal professions, The need for constant vigilance – the role of the legal professions in maintaining democratic values (2025)

<https://share.era.int/index.php/s/toPZNBCF48XQWTn>

<https://share.era.int/index.php/s/toPZNBCF48XQWTn?dir=/Speakers%27%20contributions>

- Patrick Gielen, Our strength

- Monica Mastrandrea, How legal professions can help maintain the resilience of our institutions – the example of Italy

- Marc Schmitz, Ethics and Accountability: How to Increase Public Trust

- Frans van Dijk, Giving voice to judges

- Eva Wendler, Public awareness and education: The Role of Legal Professions

Verwundbarkeit und Resilienz der dritten Gewalt, Das Justiz Projekt Verfassungsbooks, 2025:

https://verfassungsblog.de/wp-content/uploads/2025/12/ZillessenBrandauLaude_DasJustizProjekt_2025.pdf

European Court of Human Rights

- *Refah Partisi (The Welfare Party) and others v. Turkey*, Applications nos. 41340/98, 41342/98, 41343/98 and 41344/98, Judgment of 13 February 2003

<https://hudoc.echr.coe.int/eng#%22itemid%22:%22001-60936%22>}}

- *Norwood v. United Kingdom*, Application no. 23131/03, Judgment of 16 November 2004

<https://hudoc.echr.coe.int/eng#%22itemid%22:%22001-67632%22>}}

- *Hizb Ut-Tahrir na Others v. Germany*, Application no. 31098/08, Judgment of 12 June 2012

<https://hudoc.echr.coe.int/fre#%22itemid%22:%22001-111532%22>}}

- *Animal Defenders International v. United Kingdom*, Application no. 48876/08, Judgment of 22 April 2013

<https://hudoc.echr.coe.int/eng#%22itemid%22:%22001-119244%22>}}

- *Ayoub and Others v. France*, Application no. 77400/14, Judgment of 8 October 2020

<https://hudoc.echr.coe.int/eng#%22itemid%22:%22001-205361%22>}}

- Duke University, USA

<https://judicialstudies.duke.edu/2025/02/how-to-respond-to-attacks-on-judges-and-judiciary/>

https://www.actl.com/wp-content/uploads/legacy/default-document-library/actl-guidelines-for-a-response-to-attacks-on-judges-and-justices.pdf?sfvrsn=bf314a04_4

- Iustitia, Stowarzyszenie Sędziów Polskich

<https://iustitia.pl/sedziowie-nie-beda-przedkladac-wlasnych-karier-nad-prawo-obywateli-do-niezaleznego-sadu/>

- Le Monde

https://www.lemonde.fr/en/politics/article/2024/09/30/french-interior-minister-wants-immigration-referendum_6727756_5.html

- LTO Legal Tribune

<https://www.lto.de/recht/hintergruende/h/vg-berlin-6l19125-zurueckweisungen-rechtswidrig-fake-news-faktencheck>

- rbb24 – Nachrichten aus Berlin und Brandenburg

<https://www.rbb24.de/panorama/beitrag/2025/06/berlin-angriffe-richter-justiz-urteil-zurueckweisungen-grenzen.html/listall=on/print=true.html>