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The rule of law backsliding survey report



IBA Rule of Law Forum



The International Bar Association (IBA), established in 1947, is the world's leading international organisation of legal practitioners, bar associations, law societies, law firms and in-house legal teams. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 lawyers, 190 bar associations and law societies, and 200 group member law firms, spanning over 170 countries. The IBA is headquartered in London, with offices in São Paulo, Seoul, The Hague and Washington, DC.

The IBA Rule of Law Forum, established in 2007, supports IBA members in advocating for the rule of law, as per the 2005 Prague Resolution. Originally the Rule of Law Action Group, the Forum operates within the Section on Public and Professional Interest (SPPI). Its purpose is to assist members in responding to the IBA Council's call to support the rule of law in their communities.

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Introduction

The rule of law is the cornerstone of a civilised society, and adherence to the principles of the rule of law is essential for both liberty and order; as they provide for transparency, equality and access to justice for all. Unfortunately, around the world there is a strong decline in the observance of rule of law principles. According to the World Justice Project (WJP) *2025 Rule of Law Report*, global rule of law is receding at a highly accelerated rate with a decline observed in 68 per cent of countries worldwide resulting in the deterioration of justice and freedom for billions. The International Bar Association (IBA), *the global voice of the legal profession*, has time and again deplored the increasing erosion of rule of law around the world.

Though the legal profession has an important role to play in upholding the rule of law globally, substantial research has not been conducted worldwide on the role of the legal profession in preventing rule of law backsliding. To help fill in this crucial gap, the IBA Rule of Law Forum has undertaken a timely project on rule of law backsliding, led by Tahera Mandviwala, Member of the Forum's Advisory Board. This project has been undertaken with the Bingham Centre for Rule of Law and Professors Sandra Kröger and Renata Uitz.

As part of this project, the IBA Rule of Law Forum has conducted a worldwide survey on rule of law backsliding. The survey was circulated to the IBA membership and was open for about five months (that is, from August to December 2025). The survey received 326 responses with wide geographical representation, with responses from participants across more than 64 countries. The survey also attracted a very wide range of legal professionals including lawyers practising in law firms, in-house, academia, civil service, government, judiciary, non-governmental organisations (NGOs) and other law-related organisations, including bar associations and law societies.

The survey results, which have been detailed in this report, point to concerning global gaps between the recognised importance of the rule of law and its implementation in practice, with particular concerns identified in relation to judicial independence, impartiality and accountability. Based on these results, this report provides recommendations for key actions the legal community should take to uphold and strengthen the rule of law globally.

A survey and report of this scale would not be possible without the support of the past and current Co-Chairs and members of the IBA Rule of Law Forum, Co-Chairs of the IBA regional fora who helped distribute the survey, the Chair of the IBA Bar Issues Commission who gave inputs on the recommendations, IBA staff and the IBA members who participated in the survey. We thank them all for their support.

Best regards,

Tahera Mandviwala

Member, Advisory Board, IBA Rule of Law Forum

Managing Partner, TDT Legal, India

9.2–9.7/10
Widely valued, weakly delivered: rule of law principles score 9.2–9.7/10 in importance but only 6.2–6.8/10 in practice – an implementation gap of about three points across survey responses.

There is widespread concern about an increasing political disregard for the core rule of law principles, as illustrated in several examples of executive overreach, use of exceptional constitutional powers, unequal access to justice and restrictions on freedom of expression and assembly.

Across all regions, respondents rate core rule of law elements as *near-universally essential* (**mean importance scores 9.2–9.7/10**). By contrast, perceived implementation lags significantly (**6.2–6.8/10**), revealing a level well below the full implementation that would be desirable for such important principles. For example, while 83 per cent rate access to justice as ‘extremely important’, only 43 per cent rate it as well implemented (scores 8–10/10), and only ten per cent scored it at ten. This disconnect is consistent across all regions surveyed, including in Western democracies among Council of Europe (CoE) members.



While **83 per cent** rate access to justice as ‘extremely important’, only **43 per cent** rate it as well implemented (scores 8–10/10), and only **ten per cent** scored it at ten.



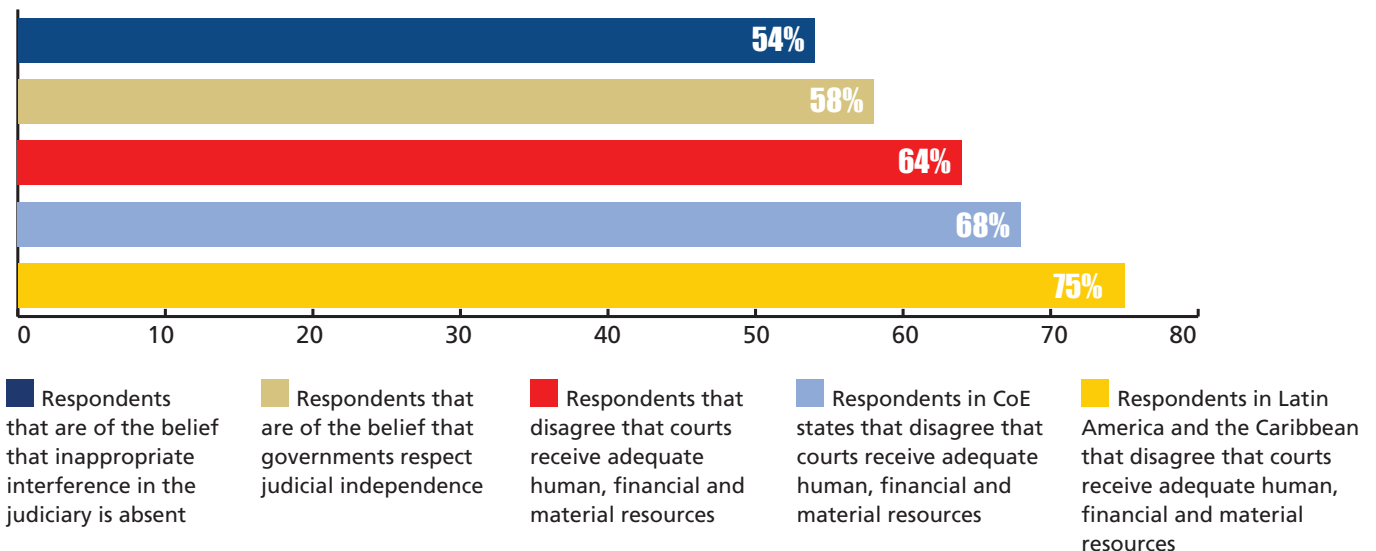
Judicial independence is formally recognised, but materially under-resourced

83%

of respondents identified political parties as a threat to judicial independence.

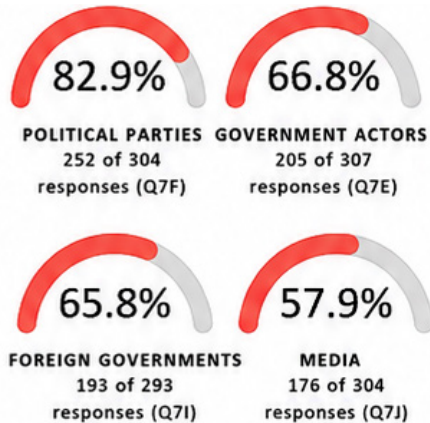
95%

of respondents agreed that among the safeguards for judicial independence, bar associations had this role, making them the most commonly identified.

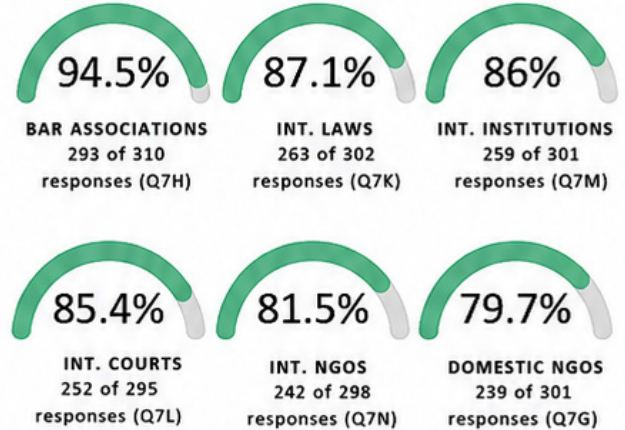


The following main challenges to, and safeguards for, judicial independence were identified:

Main perceived threats to judicial independence

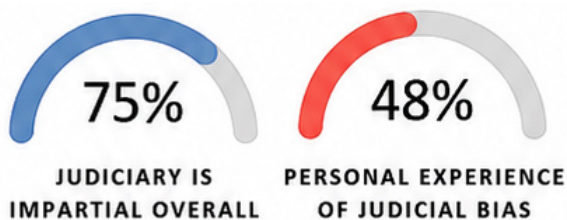


Main perceived safeguards to judicial independence



Courts are seen as impartial in principle, yet nearly half report direct experience of bias

While **75 per cent** of respondents agree that their judiciary is impartial overall, **48 per cent** report having personally encountered judicial bias. Regional patterns diverge sharply: **82 per cent** of respondents in Latin America and the Caribbean identify corruption as the main threat to impartiality, while respondents in Council of Europe (CoE) states and North America point instead to ideological bias, social background and judicial 'groupthink.' The finding highlights a tension between system-level confidence and lived experience, with different drivers undermining trust across regions.



Judicial accountability remains an unclear term, with no universally settled understanding

The concept of judicial accountability is invariably associated with the absence of corruption, judicial discipline and integrity, and also with diverse aspects of transparency. Its actual definition remains highly context dependent and is shaped by local actors, including the judiciary and professional organisations (among them bar associations).

Three most popular understandings of judicial accountability



Recommendations

The following recommendations are inspired by the survey findings and are grounded in various international principles and standards governing the role of the legal profession in protecting and promoting the rule of law. These recommendations set out key actions that the legal community should take to uphold and strengthen the rule of law worldwide.

1. Develop and promote a shared understanding of the rule of law, judicial independence, impartiality, accountability and integrity

- Depoliticise the rule of law and promote its understanding as a concept that is fundamental to democratic society.
- Continue to engage in professional and public civic discussions about the rule of law, judicial independence, impartiality, accountability and integrity, with a view to developing a shared understanding and highlighting the practical relevance of these concepts.
- Speak out and address undue interference with, intimidation of, or threats against the judiciary and judicial institutions. Similarly, defend the independence of the legal profession in domestic and international professional and civic discourse.
- Help lawyers, particularly new lawyers and other stakeholders in the legal community, to deepen their understanding of the rule of law as the bedrock of fairness, prosperity and progress in societies and economies.

2. Advocate for the inclusion of rule of law considerations into policy and law-making, and promote best practices

- Advocate for the inclusion of representatives of the legal profession in appropriate law- and policy-making bodies and processes, while also engaging in capacity building to ensure that the representatives and members participate in public advocacy in an informed and accessible manner and represent the diversity of the legal community.
- Engage actively and constructively in legislative and policy processes to promote laws that uphold rule of law considerations, such as: after judicial independence; independence of lawyers; protection of attorney-client confidentiality; equality before the law; accountability and due process; transparent, merit-based systems for judicial appointment and promotion; and fair processes of judicial discipline.
- Oppose legislative or regulatory measures that undermine rule of law principles.
- Promote best practices and applications of the law and actively share thoughts and examples to improve the rule of law in different jurisdictions.

3. Monitor and respond to rule of law threats

- Establish or strengthen mechanisms to monitor and report violations of the rule of law, judicial independence, access to justice and fair trial rights and the proper administration of justice.
- Take appropriate action, including regular contributions to monitoring processes, public advocacy and review of checklists and benchmarks used for rule of law monitoring.

4. Build partnerships with civil society and other stakeholders

- Work in partnership with civil society organisations, academic institutions and international professional bodies and organisations to promote rule of law standards, raise public awareness and support coordinated responses to systemic challenges affecting justice systems and the justice sector, including through supporting strategic litigation and the enforcement of domestic and supranational judgements.
- International organisations like the United Nations (UN) should become more active and effective in defending the rule of law including in supporting public international law in non-partisan and impartial ways.

5. Uphold professional integrity and protect lawyers and judges

- Continue to promote and enforce high standards of professional ethics and accountability, provide training on the principles of the rule of law, access to justice and fair trial rights.
- Take steps to protect judges and lawyers from intimidation, harassment or improper interference, ensuring that all members of the legal profession can perform their duties independently and in accordance with standards of professional ethics.
- Do more pro bono work to protect and defend the rule of law.

Full survey report

Survey methodology and demography

The survey was structured into seven main sections designed to capture the respondents' professional background and geographic area (Q1, 2, 3 and 4) and their perceptions of core rule of law principles (Q5), judicial independence (Q6 and 7), impartiality (Q8 and 9) and accountability (Q10 and 11).

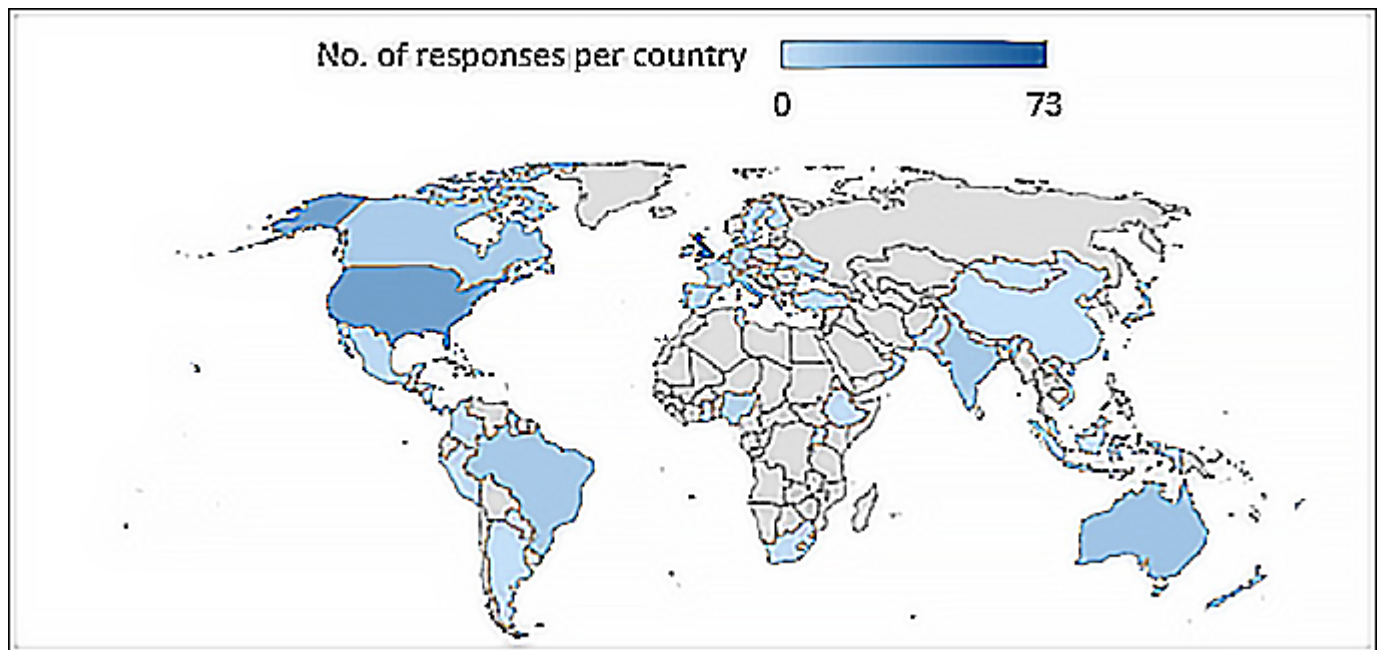
A final open question (Q12) was included to capture additional insights, inviting respondents to describe the most significant negative rule of law developments in their country in recent years. This open-ended question allowed participants to highlight emerging negative trends, contextual concerns and country-specific challenges not captured by the closed questions, thereby enriching the survey's analytical depth.

The survey questions can be seen in Annex 1 to this report. The survey received 326 responses, from which ten respondents declined to share their responses in the report. This report is therefore based on 316 responses received from participants across more than 64 countries worldwide.¹

Summaries of these qualitative insights (mainly from Q12) demonstrating that legal professionals around the world are worried about the rule of law are presented in dedicated text boxes – 'Recent rule of law concerns identified by respondents' – throughout the relevant sections of the report.

Of the 316 responses, 175 were from Council of Europe (CoE) member states (the states which are parties to the European Convention on Human Rights). These include 80 from EU Member States and nine from EU accession candidates – 73 were from the UK. Other responses were received from North America (44), Latin America and the Caribbean (33), Asia and the Pacific (49) and Africa and the Middle East (15).

¹ Some respondents indicated that they work across multiple jurisdictions. For the purposes of this survey, we aligned these participants with the country that featured most prominently in their responses.

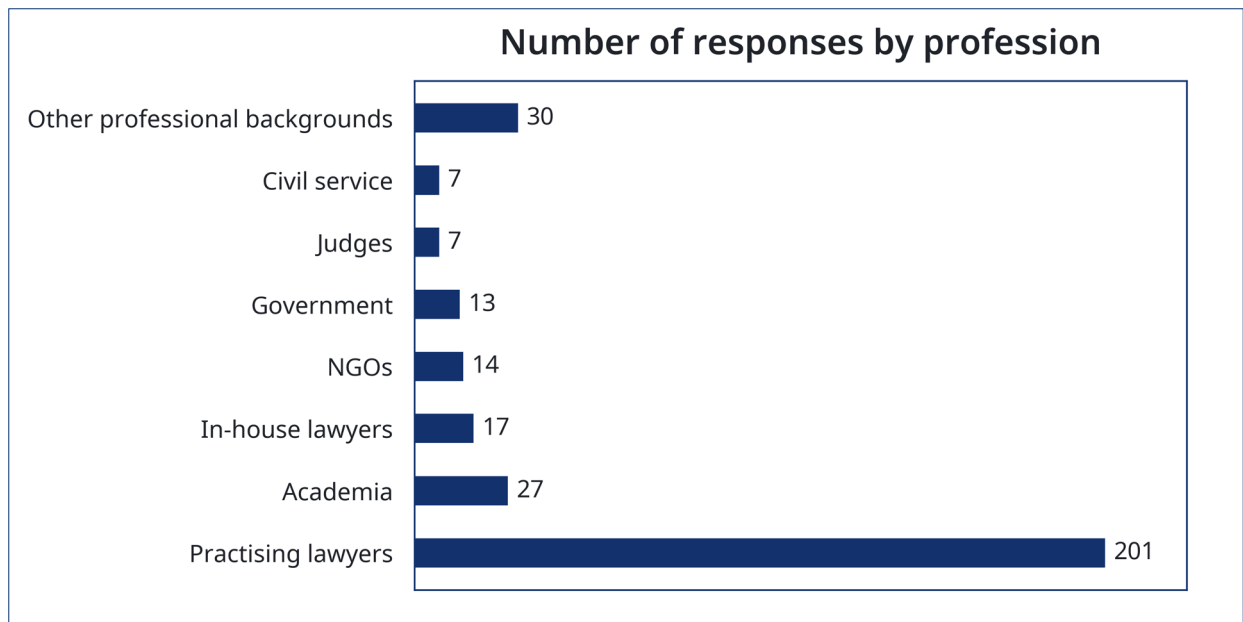


Region	Responses ²	Countries ³
CoE	175	Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Malta, North Macedonia, Poland, Portugal, Spain, Sweden, Switzerland, The Netherlands, Turkey, UK and Ukraine (24)
North America	44	Canada and USA (2)
Latin America & Caribbean (LCR)	33	Argentina, Brazil, British Virgin Islands, Colombia, Costa Rica, Dominican Republic, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay and Peru (14)
Asia and the Pacific (AP)	49	Australia, China, Fiji, India, Indonesia, Japan, Macau (Special Administrative Region), Malaysia, Mongolia, Nepal, New Zealand, Pakistan, Singapore, Solomon Islands, Taiwan and Vietnam (16)
Africa and the Middle East	15	Ethiopia, Ghana, Nigeria, Oman, Qatar, South Africa, Tunisia and Uganda (8)

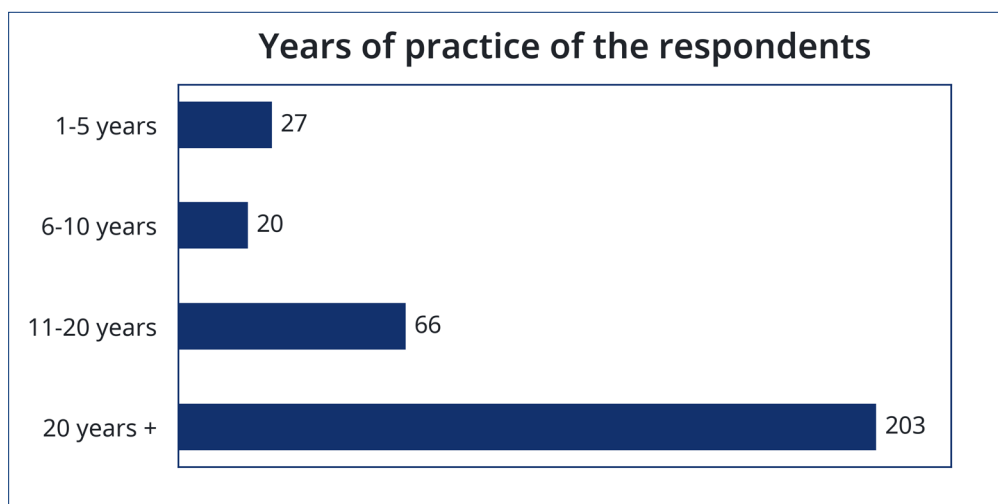
The majority of the participants were lawyers, including 201 practicing within law firms and 17 in-house lawyers. Additional respondents came from academia (27), civil service (seven), government (13), the judiciary (seven judges), NGOs (14) and other professional backgrounds including bar associations and international organisations (30). The participants' range of practice area expertise is also very vast ranging from corporate law, commercial law and dispute resolution, to public international law, administrative law, constitutional law, human rights law, anti-corruption law and social justice reforms law.

² Please note, the total number of responses received for each question vary, therefore the relevant number of responses received for each question is mentioned when the question is discussed in detail later in this report.

³ Please note that some participants have indicated that they belong to multiple jurisdictions. For the purposes of mapping and analysis in this report, we have linked their responses to the country they commented on most prominently throughout the survey. Some additional countries participants have indicated they are from include Slovakia, Romania, Serbia, Kazakhstan and Uzbekistan.

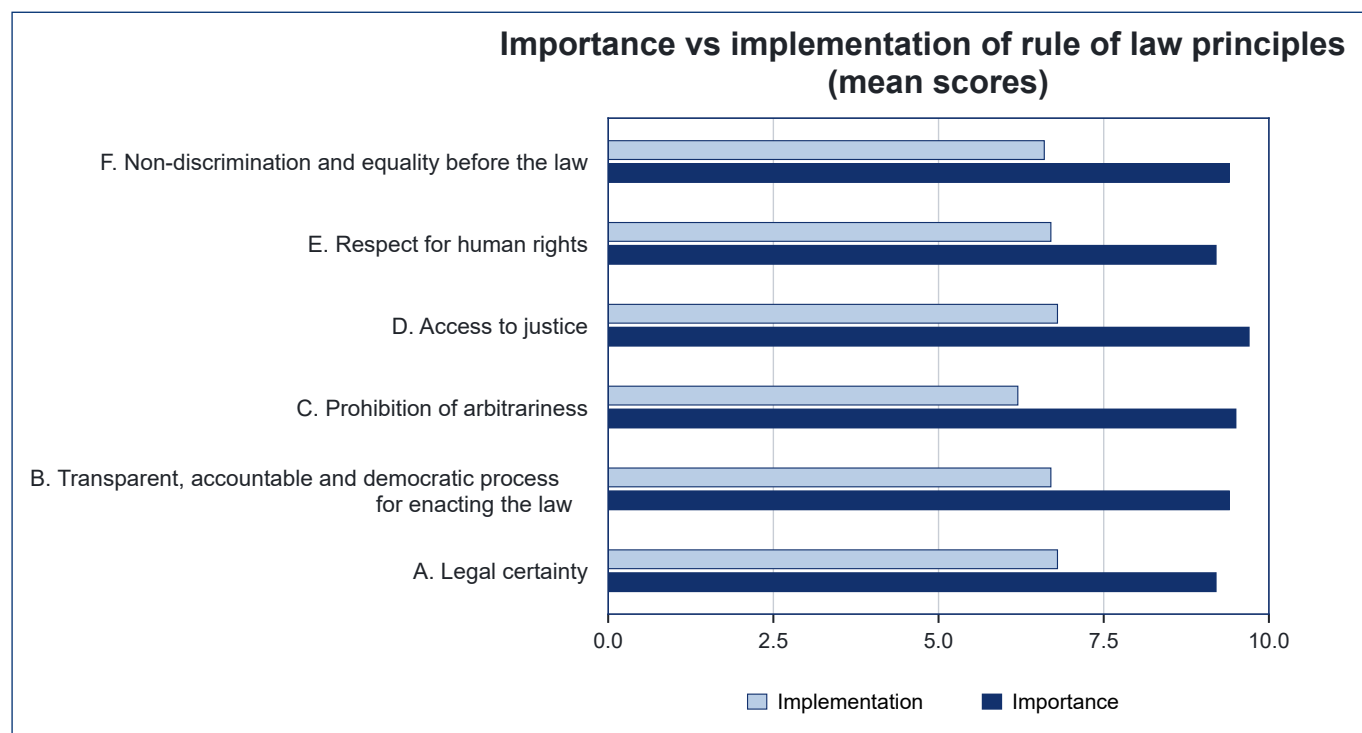


The respondents were highly experienced overall: most had more than 20 years of practice (203) followed by 11 to 20 years (66). Smaller numbers reported one to five years (27) and six to ten years (20) of practice.



Perceived importance and implementation of rule of law elements

Survey participants were asked to assess both the importance of core rule of law principles and their implementation in practice within their jurisdiction. The principles included legal certainty; the law-making process; the prohibition of arbitrariness in the exercise of public power; access to justice before independent and impartial courts; respect for human rights; and non-discrimination and equality before the law. Responses were recorded on a zero to ten scale, where zero indicated ‘not at all important’ and ten ‘extremely important’. The number of responses per item ranged from 312 to 316.



The results show a large and systematic implementation gap across all the rule of law principles assessed.

Perceived importance was uniformly high, with mean scores across the selected rule of law elements ranging between 9.2 and 9.7, with a strong clustering of responses at the upper end of the scale (eight to ten). For example, 83 per cent of the respondents assigned the maximum score of ten to the importance of access to justice before independent and impartial courts. Likewise, 72 per cent of the respondents rated the importance of a transparent, accountable and democratic law-making process, as well as the prohibition of arbitrariness in the exercise of public power, at ten.

In contrast, perceived implementation was substantially lower, with mean scores between 6.2 and 6.8 across the same elements. Taken together, this indicates an average gap of approximately 2.5 to 3.5 points between the importance attributed to rule of law principles and their perceived implementation, depending on the element considered.

Only 32 per cent of respondents rated the implementation of the prohibition of arbitrariness in the exercise of public power at 8-10, while a clear majority (78 per cent) assigned scores between one and seven. This assessment was consistent across regions, including CoE member states (109 respondents),

North America (27), Latin America and the Caribbean (31), Asia and the Pacific (31), and Africa and the Middle East (11). A similar pattern emerges with respect to non-discrimination and equality before the law, where 72 per cent of respondents scored implementation between one and seven. This represents a majority view in all geographical regions.

Overall, the data points to a quantifiable and cross-regional disconnect between strong normative consensus on the importance of rule of law elements and significantly weaker implementation in practice. These findings align with the WJP Rule of Law Index, which confirms rule of law threats across the world and reports a global decline in rule of law standards for the eighth consecutive year, across all regions.

Recent rule of law concerns identified by respondents

Many respondents reported growing political disregard for core rule of law principles, including human rights, judicial independence, press freedom and access to justice. Examples cited included the repeated use of exceptional constitutional powers and concerns about increasingly restrictive immigration laws and policies in many countries, affecting minority and refugee rights, including arbitrary detention and instances of racial bias in courts.

Others highlighted restrictions on freedom of expression and assembly, noting the criminalisation of peaceful protest, legal intimidation of journalists and the use of counter-terrorism laws to suppress dissent.

Many comments focused on developments in the US, expressing concern about executive overreach, disregard for judicial independence, the use of executive orders to bypass institutional checks and the politicisation of judicial and prosecutorial powers.

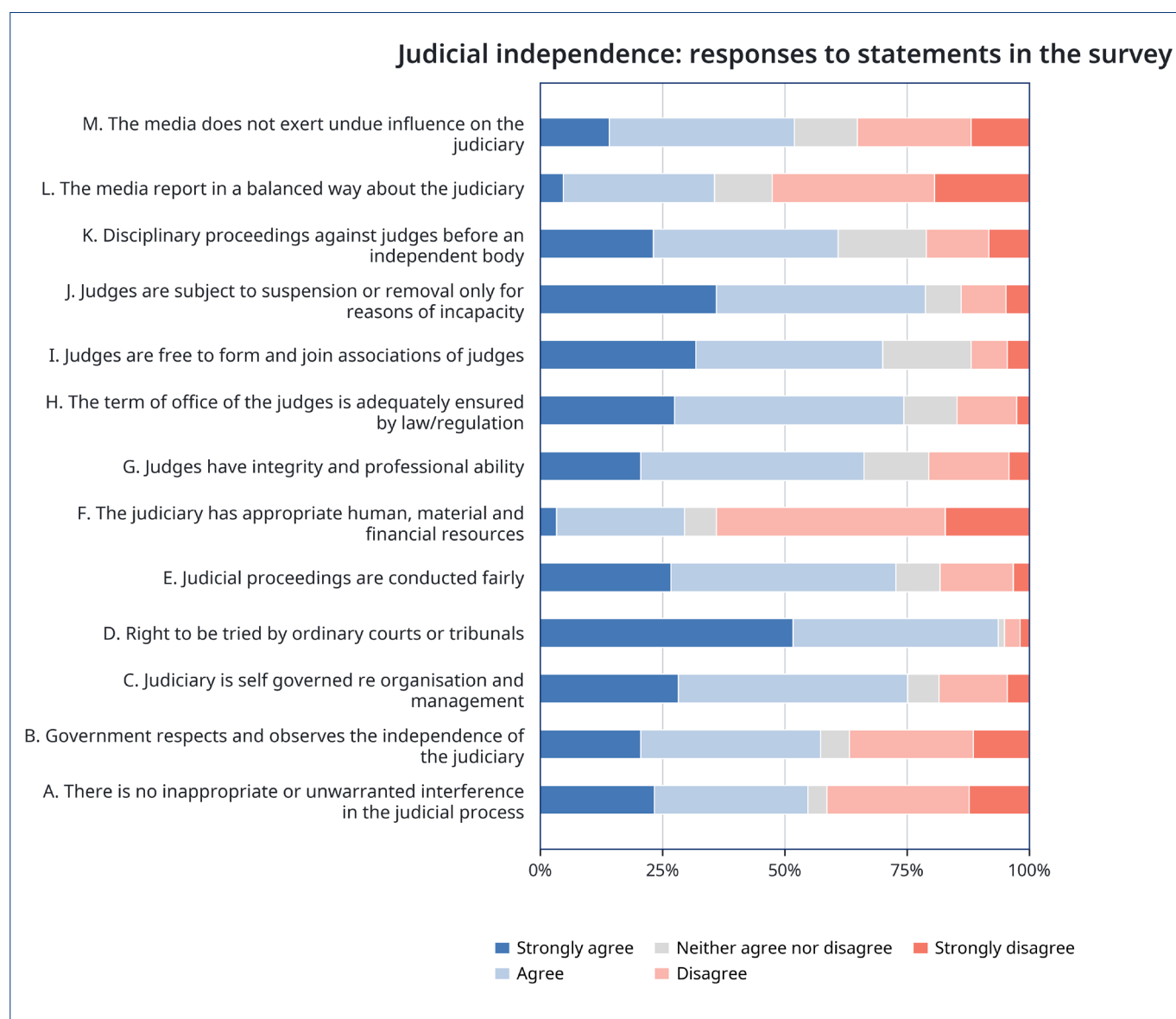
Respondents from the UK referred to events such as the 2019 prorogation of Parliament in the context of Brexit debates, government officials' disregard of the Covid-19 pandemic restrictions, attacks by the government against immigration lawyers and tensions regarding compliance with international law and the European Convention on Human Rights.

State of judicial independence

Perceptions of judicial independence were assessed in Q6, which asked respondents to indicate agreement with statements on a five-point scale from 'strongly agree' to 'strongly disagree', and Q7, which asked respondents to identify factors as threats to or safeguards of judicial independence.

The survey design reflects the understanding that judicial independence is multidimensional and relies on a range of interrelated factors, including:

- the absence of undue interference by the executive or other actors, including the media (Q6, sub-questions A, B, L and M);
- formal institutional safeguards related to judicial self-governance and organisation (Q6, sub-questions C, G and I);
- budgetary autonomy, including adequate human and financial resources, appropriate remuneration and protection against arbitrary suspension, removal or disciplinary proceedings (Q6, sub-questions F, H, J and K); and
- effective access to courts and fair judicial proceedings (Q6, sub-questions D and E).



Survey results indicate a *slight majority of respondents perceive the judicial process as free from inappropriate or unwarranted interference*. Fifty-four per cent agreed or strongly agreed with this statement (Q6A), while four per cent were neutral. At the same time, governmental and political actors were widely identified as potential threats. Of respondents, 67 per cent (205 of 307) viewed governmental actors as a threat (Q7E), and 83 per cent (252 of 304) identified political parties as such (Q7F). This apparent tension is perhaps not entirely surprising. Governmental and political actors are the primary drivers of institutional change and, over the past two decades, have increasingly proposed and implemented legislation associated with rule of law backsliding.

However, regional differences were notable. In North America, 54 per cent of respondents (24 of 44), and in Africa and the Middle East, 53 per cent (eight of 15), disagreed or strongly disagreed that inappropriate interference is absent in the judicial process (Q6A), reflecting heightened concern in these regions. Many open-ended responses cited politicisation of the US Supreme Court and instances of foreign interference in Brazilian courts.

Correspondingly, foreign interference was identified as a threat by a majority of respondents (Q7J: 193 of 293). Some of these observations align with the WJP Rule of Law Index 2025, which documents pressures on judicial independence and weakening of structural safeguards globally, even in countries with relatively high public confidence in courts.⁴ Domestic NGOs and voluntary associations, along with bar associations, bar councils, law societies and other regulators of the legal profession, were consistently identified as key safeguards against interference with judicial independence.

Approximately 79 per cent of respondents recognised NGOs and voluntary associations as safeguards (Q7G: 239 of 301 responses), while around 95 per cent identified professional legal bodies in this role (Q7H: 293 of 310). The responses indicate a broad recognition of the critical role played by these organisations in protecting judicial independence. Professional bodies represent and regulate lawyers, giving them both authority and practical influence. Together with NGOs, they can speak out publicly, engage with lawmakers when important legal and constitutional changes are introduced, monitor threats and disciplinary actions against judges and raise public awareness. NGOs and voluntary associations strengthen this protection by widening accountability beyond the legal profession through research, litigation, public advocacy and partnerships that raise awareness of threats and frame judicial independence as essential to democracy and the protection of rights.

However, independent assessments such as the WJP Rule of Law Index indicate that civic freedoms have eroded globally: freedom of opinion and expression fell in 73 per cent of countries, freedom of assembly and association in 72 per cent and civic participation in 71 per cent.⁵ These pose serious challenges as restrictions on civic space and pressure on legal professionals can weaken these key safeguards. The findings therefore show both *strong confidence in their role and the need to protect their independence and ability to operate freely*.

4 World Justice Project, *WJP Rule of Law Index 2025* (World Justice Project, 2025) <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIndex2025.pdf> accessed 11 June 2026

5 *Ibid.*

Recent rule of law concerns identified by respondents (Q12)

A significant number of respondents (178) were critical of the state of judicial independence and reported observing a growing disregard for the principle. They referred to verbal attacks, delegitimisation campaigns and, in some cases, physical threats against judges, experts and lawyers. Court decisions were publicly framed as politically motivated to undermine judicial legitimacy, as illustrated by media headlines such as ‘Enemies of the People’ as noted by one respondent during UK Brexit litigation.

Lawyers representing immigrants and political in particular were seen to be targeted. Specific examples include threats against judges in Brazil, intimidation of experts in Covid-19-related litigation and enforcement actions against lawyers involved in politically sensitive proceedings.

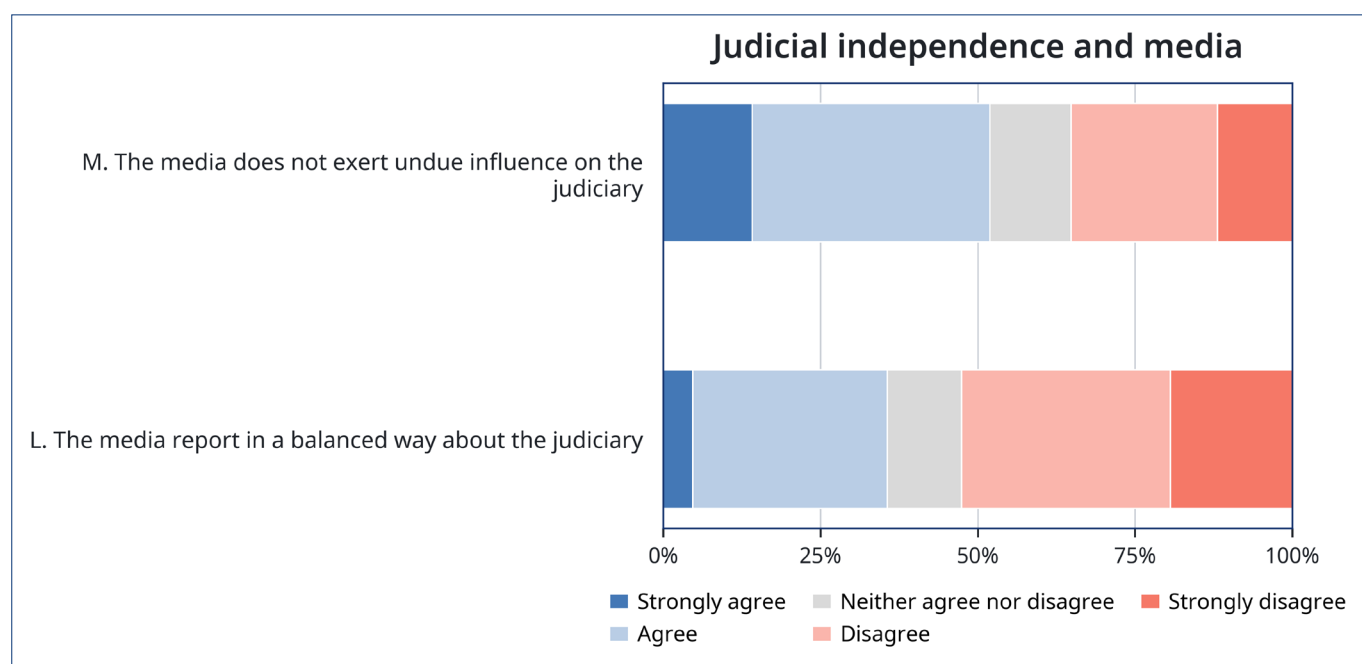
Respondents further observed increasing attempts by governments and justice ministers to influence judicial interpretation and outcomes, both before and after court rulings. Such behaviour was reported in multiple jurisdictions, including the US and Brazil, and was seen to ‘normalise the idea that constitutional limits are optional when politically inconvenient’.

Some respondents (26) described broader executive encroachment on judicial independence and constitutional limits, including expanded use of emergency decrees executive orders, reduced parliamentary scrutiny and new powers for justice ministers to appoint judges, control prosecutors, issue binding instructions or alter sentencing frameworks. In some cases, governments amended legislation immediately after adverse court rulings.

With regard to media influence, 176 of 304 respondents identified the *media as a threat to judicial independence* (Q7I). Consistently, 52 per cent of respondents disagreed or strongly disagreed with the statement that the media report in a balanced manner on the judiciary in their respective countries (Q6L). This perception was particularly pronounced in responses from CoE participants (57 per cent, or 100 of 175, and 20 neutral responses), including the UK and in Asia and the Pacific (59 per cent, or 29 of 49, and five neutral responses). Despite this, just over half of respondents (52 per cent) agreed or strongly agreed that media influence does not amount to undue pressure on judicial decision-making (Q6M).

Recent rule of law concerns identified by respondents

Around 20 respondents emphasised the role of media in politicising judicial processes through hostile or misleading coverage, particularly in cases involving immigration, human rights or international courts. Such reporting was seen to contribute to declining trust in the judiciary, degrading political discourse and weakening societal respect for the rule of law.



Regarding formal institutional safeguards related to judicial self-governance and organisation, respondents demonstrated a strong belief in the importance of unbiased laws and constitutional guarantees. Of 295 respondents, 164 identified these safeguards as protective of judicial independence

(Q7A and Q7B). Responses citing these factors as threats should not be interpreted as disagreement. Rather, they signal concerns about gaps or weaknesses in existing rule of law protections and, in doing so, reflect an awareness of the importance of robust safeguards to ensure that legal amendments are adopted fairly and transparently and to prevent abuses of power.

As regards self-governance and professional autonomy, 75 per cent of our respondents agreed with the statement that, in their jurisdiction, the judiciary is involved in organisational and procedural decisions (Q6C), 69 per cent agreed that judges are selected for integrity and qualifications (Q6G) and 70 per cent agreed that judges are free to join professional associations (Q6I).

Regarding personal guarantees for judges, respondents largely agreed that terms of office, independence, security of tenure, remuneration, conditions of service, pensions and retirement age are adequately ensured by law or regulation (Q6H, 74 per cent). Strong agreement was also recorded regarding protection against arbitrary suspension or removal (Q6J, 79 per cent) and thinner agreement on the existence of independent disciplinary procedures subject to judicial review or appeal (Q6K, 61 per cent).

Beyond individual economic resources, such as salaries and pensions, there is acknowledgment by the respondents that a judiciary's independence is deeply linked to the adequacy of its overall resources – human, material and financial. Interestingly, 64 per cent of respondents disagreed or strongly disagreed that the judiciary receives sufficient support in these areas (Q6F). This concern is particularly pronounced in CoE members (68 per cent, or 117 of 172), as well as in regions like Latin America and the Caribbean (76 per cent, or 25 of 33).

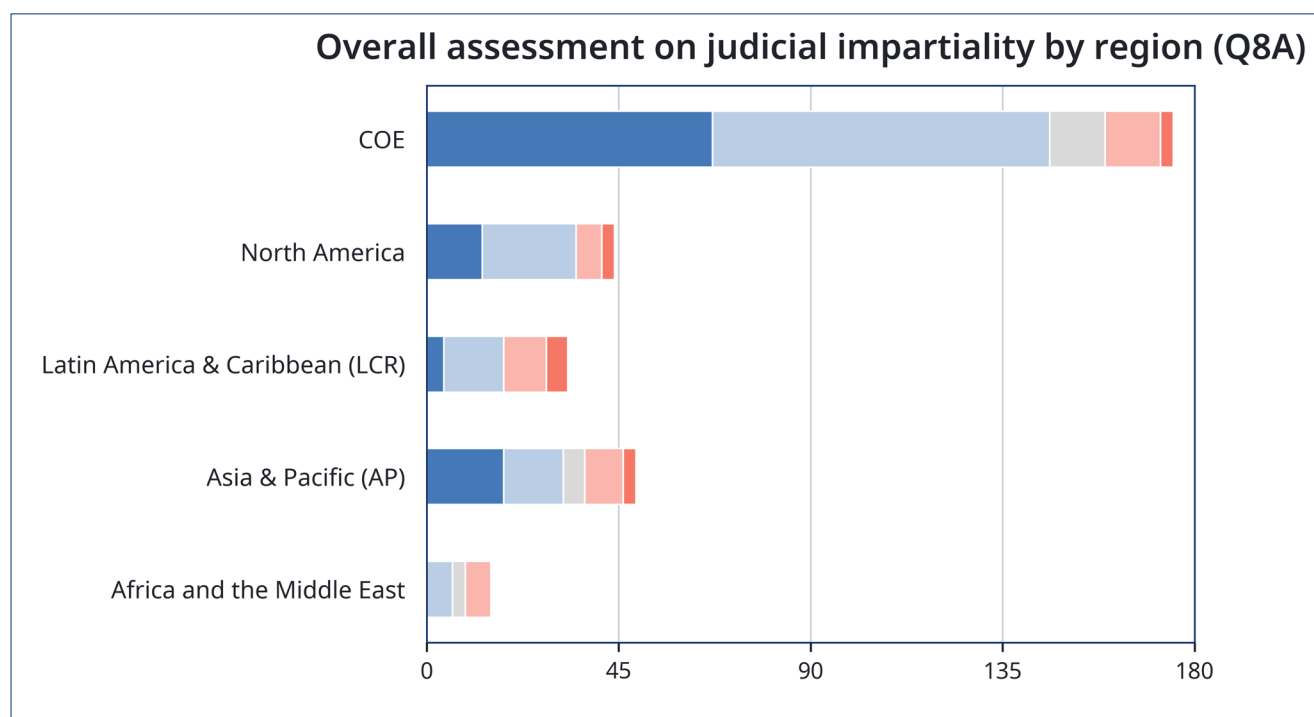
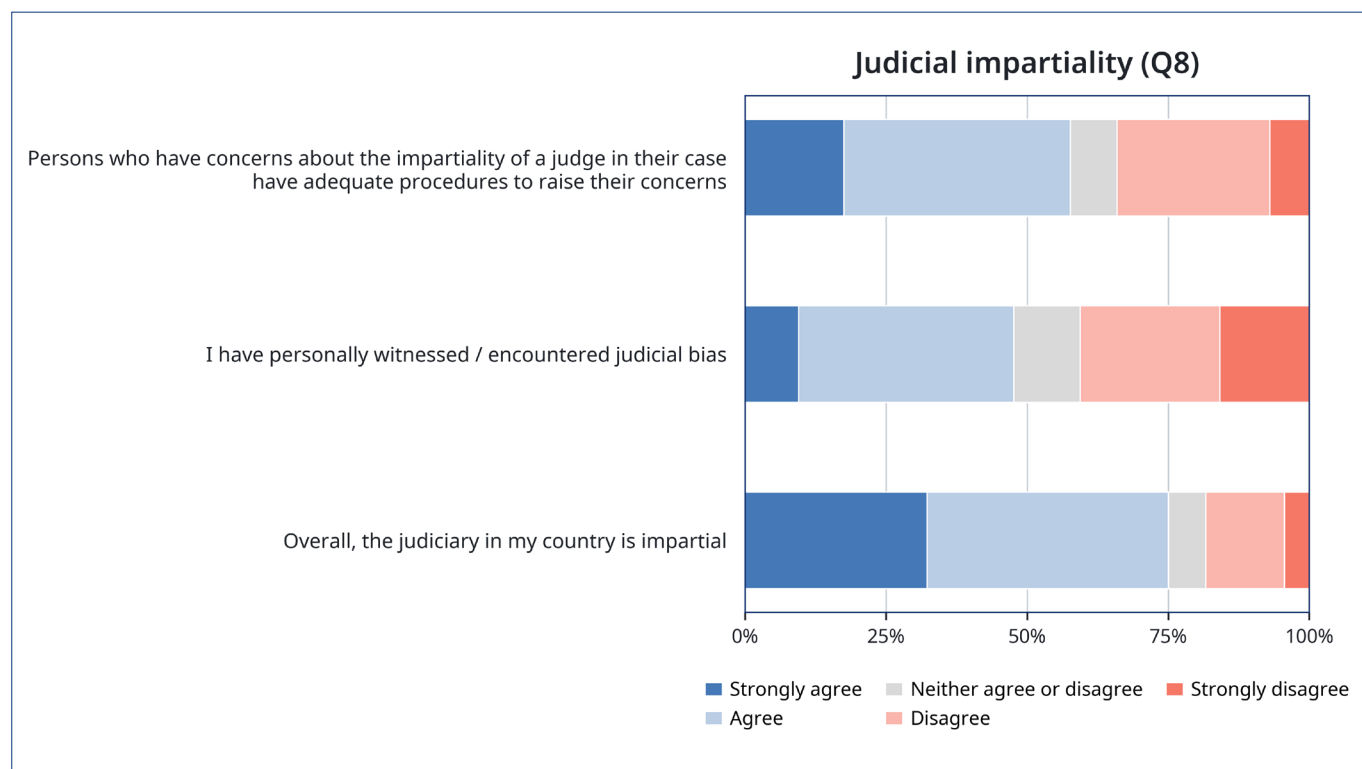
Recent rule of law concerns identified by respondents

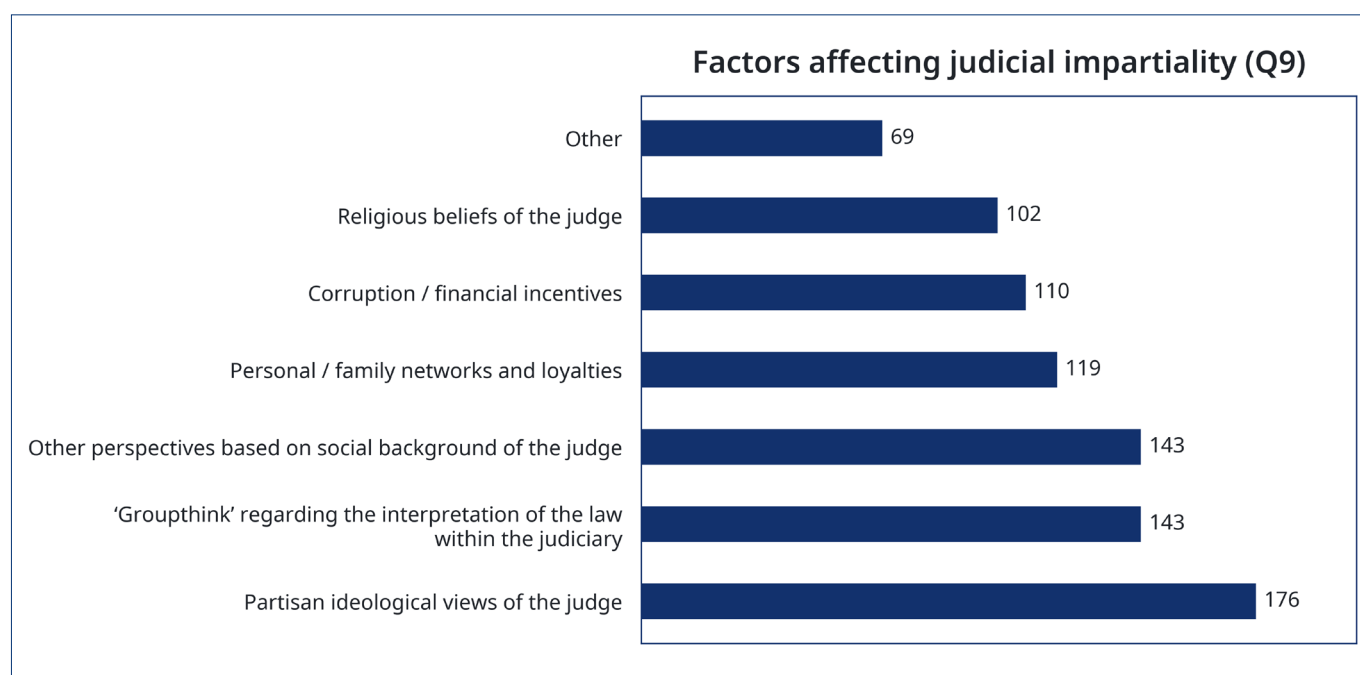
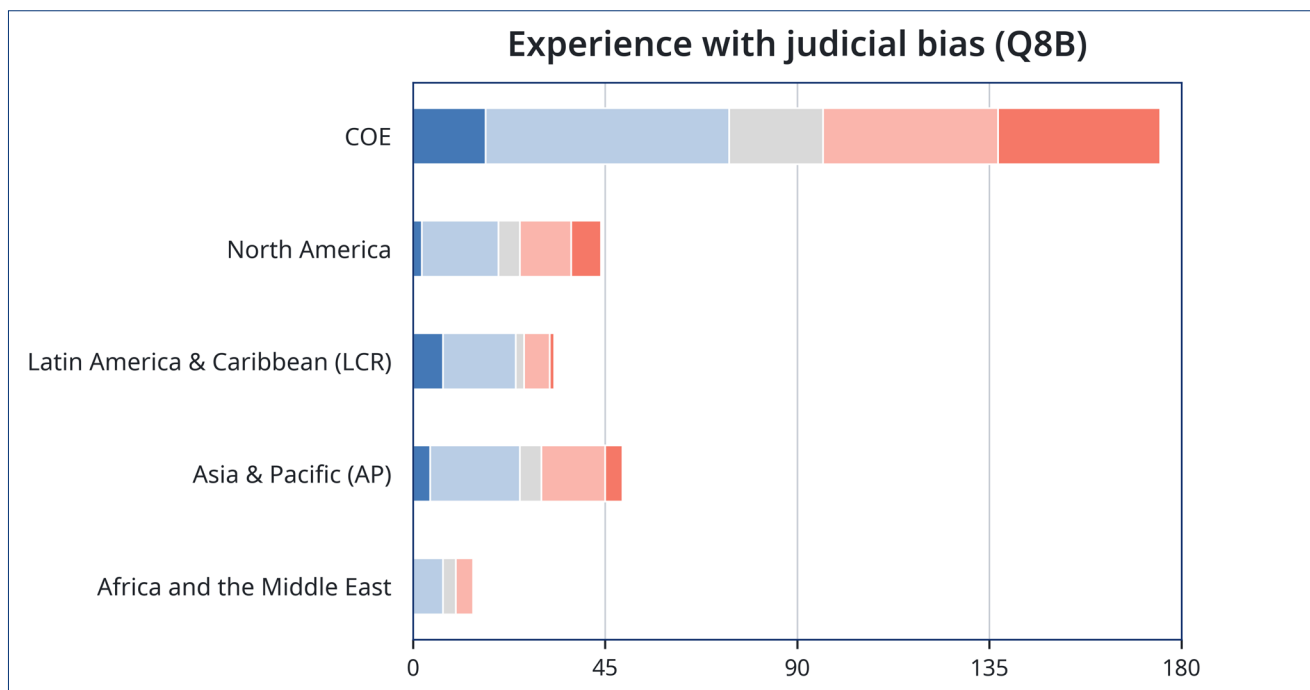
Respondents (36) identified chronic underfunding as a major factor weakening judicial independence and effectiveness. Insufficient resources, staff shortages and inadequate infrastructure contributed to significant delays – sometimes lasting several years - and reduced access to justice. Cuts to legal aid were seen to disproportionately affect those without financial means, leaving many without effective legal recourse.

Finally, regarding access to justice and fair judicial proceedings, an overwhelming 94 per cent of respondents agreed or strongly agreed that everyone has the right to be tried by ordinary courts or tribunals using established legal procedures in their jurisdiction (Q6D). A smaller, though still substantial, majority (73 per cent) agreed that judicial proceedings are conducted fairly in their respective countries (Q6E). Notably, however, 54 per cent of respondents from Latin America and the Caribbean disagreed with the latter statement, highlighting regional variation in perceptions of procedural fairness.

Impartiality of the judiciary

Views of survey participants were further assessed on the impartiality of the judiciary in their respective jurisdictions, with ‘impartiality’ defined as the avoidance by magistrates of any conduct, in or out of court, that could reasonably give rise to a perception of bias. Q8 assessed agreement with a series of statements using a five-point scale from ‘strongly agree’ to ‘strongly disagree’, while Q9 asked respondents to select factors believed to affect impartiality from an established multiple-choice list.





Overall, 75 per cent of respondents agreed that the judiciary in their country is impartial (Q8A: 237 of 316 agree or strongly agree), with broadly consistent results across regions. At the same time, nearly half of respondents (48 per cent) reported having personally witnessed or encountered instances of judicial bias (Q8B: 150 of 315 agree or strongly agree). The distinction suggests that perceptions of systemic impartiality remain positive even as personal experiences highlight instances of bias. Reports of experienced bias were particularly pronounced among respondents from Latin America and the Caribbean, where 24 of 33 respondents indicated such experiences. Despite these concerns, a majority of respondents (58 per cent) agreed that individuals who question the impartiality of a judge in their case have access to adequate procedures to raise such concerns (Q8C: 181 of 314 agree or strongly agree).

When asked to identify factors affecting judicial impartiality, respondents highlighted distinct patterns across regions. Among CoE members and North American respondents, the most frequently cited factors were partisan ideological views of the judge (CoE: 89; North America: 33), religious beliefs of the judge

(North America: 26), other perspectives based on the social background of the judge (CoE: 77) and ‘groupthink’ in interpreting the law within the judiciary (CoE: 77; North America: 25).

Recent rule of law concerns identified by respondents

Of the respondents, 18 reported increasing executive influence over judicial appointments, including court-packing, delayed nominations and removal of independent judges, as a concern. Examples were cited in India, Mexico, Uganda, Ukraine and the US.

Such politicisation was seen to produce partisan or unqualified judges, particularly in constitutional courts, and to undermine the impartial and consistent interpretation of the law - weakening judicial independence, legal certainty and public confidence.

Respondents reported selective enforcement of the law, including by supreme courts, and decision-making perceived as politically biased - particularly in immigration cases and the prosecution of political protest. Some also noted partisan alignment between judges and prosecutors, raising concerns about judicial impartiality.

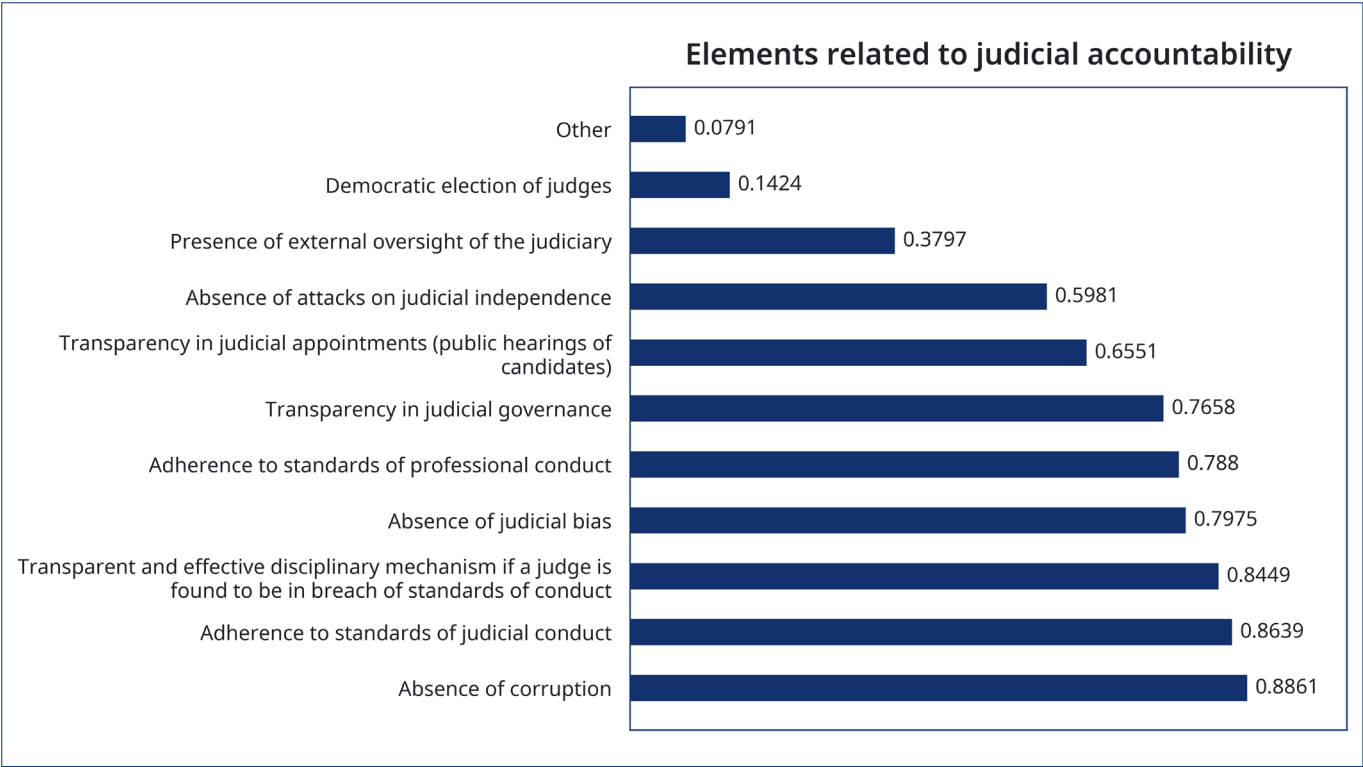
In Latin America and the Caribbean, corruption emerged as the principal factor affecting impartiality (27 of 33 respondents, approximately 82 per cent), followed by partisan ideological views of the judge (20) and personal or family networks and loyalties (19). Respondents from Asia and the Pacific most commonly identified partisan ideological views of the judge (24 of 49) and social background perspectives (25), while respondents in Africa and the Middle East pointed primarily to corruption as the main factor (11 of 15). These findings indicate that while perceptions of systemic judicial impartiality are generally positive, personal experiences of bias are widespread across regions.

Recent rule of law concerns identified by respondents

Ten respondents identified corruption as a serious threat, reporting instances of judges accepting bribes or issuing biased rulings in countries including Peru, India and Brazil. Weak anti-corruption frameworks and ineffective disciplinary measures were seen to allow misconduct to persist, further eroding public trust in the judiciary.

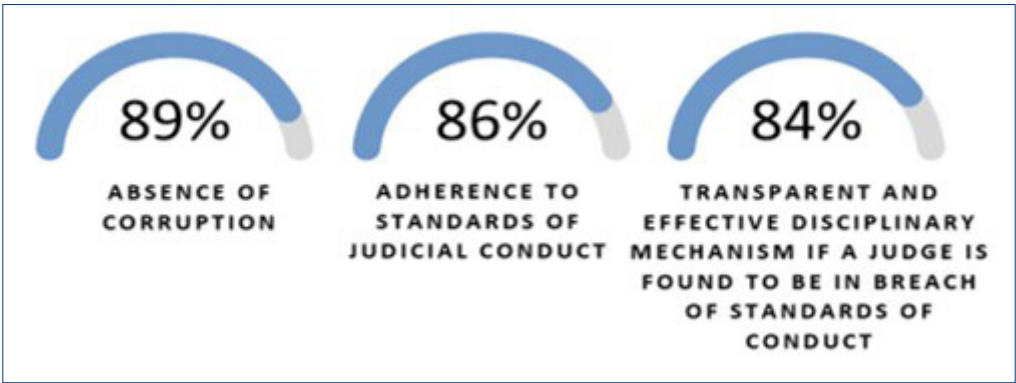
Judicial accountability

Although the term ‘judicial accountability’ is regularly used in international and domestic policy discourses, it has no settled legal definition. Being mindful of this uncertainty, Q10 mapped the understanding of the concept.



The pattern of responses suggests that while the concept of judicial accountability is invariably associated with judicial discipline and integrity, the absence of corruption and with diverse aspects of transparency, the actual definition of the term is highly dependent on context and from whose perspective it is interpreted.

An overwhelming majority of the respondents associated judicial accountability with the *absence of corruption* (89 per cent), *adherence to standards of judicial conduct* (86 per cent) and *the presence of a transparent and effective disciplinary mechanism for breaches of such standards* (84 per cent).



Although *many respondents associated transparency in judicial governance with judicial accountability* (77 per cent), the transparency of judicial appointments through public hearings (66 per cent) or via democratic election (15 per cent) were much less associated with judicial accountability.

A strong minority of respondents said that external oversight of the judiciary was an aspect of judicial accountability (38 per cent), although some qualitative responses found this understanding of accountability problematic. The majority of respondents marked the absence of attacks on judicial independence as an aspect of judicial accountability (60 per cent), illustrating that judicial accountability can function well without the robust and sometimes intemperate criticism found in other areas of politics.

Respondents confirmed *specialised understandings of transparency associated with judicial accountability*. Responses highlighted the importance of reasoned judgments and access to reported cases (especially appellate and final decisions), ‘so that people can see what judges decided and why’ (Guyana) and ‘effective public access to judicial performance reports’ (Turkey), with two respondents highlighting the importance of the availability of adequate procedures (appeals) to raise concerns about the impartiality of the judge in concrete cases (UK).

Qualitative responses indicate that the context is shaped through the active involvement of the judiciary and the legal profession in the development of a particular conception of judicial accountability as an aspect of judicial integrity and professional ethics. Importantly, training and continuing education were mentioned by multiple respondents as a means of maintaining judicial integrity and a culture of professional ethics.

We also gauged the significance of judicial accountability for the rule of law (Q11A), judicial independence (Q11B) and judicial impartiality (Q11C). Of respondents, 64 per cent strongly agreed that judicial accountability was related to the rule of law (with a total of respondents 92 per cent agreeing overall). The clustering was noticeably weaker when it came to the connection between judicial accountability, independence and impartiality, respectively. Only 47 per cent of the respondents strongly agreed that judicial accountability was related to judicial independence (with a total of 89 per cent respondents agreeing overall) and only 48 per cent of the respondents strongly agreed that judicial accountability was related to judicial impartiality (with a total of 88 per cent agreeing overall).

Responses to earlier questions as well as qualitative responses to Q11 provided ample insight into the rationales between these fine, but noticeable distinctions. The lack of conceptual clarity confirmed by responses to Q10 easily turn calls for judicial accountability into a source of uncertainty, and possibly, ultimately, undue interference with judicial independence and impartiality. This finding is consistent with responses to earlier questions: while respondents view access to independent and impartial courts to be paramount for the rule of law (Q5), the implementation gap revealed by Q6 also covers national instances where the promotion of judicial accountability came to undermine judicial independence and impartiality.

Recent rule of law concerns identified by respondents

Several responses emphasised the importance of clear qualification and professional selection criteria, with a response from Australia stressing ‘clear expectations of shared standards of judicial conduct set by judges themselves, collectively’. This sentiment was echoed by another respondent from the US stressing the need for ‘a culture of professional ethics; instead we have political or industry organisations that organise lawyers’ identity’. The lack of ethical standards on the Supreme Court was mentioned as a particular point of concern in the US.

Annex – Survey questions

Demographics

1. Which country are you currently practicing in?
2. What is your current practice?
 - Practicing lawyer (sole practitioner or law firm)
 - In-house lawyer
 - Judge
 - Civil servant
 - Academic
 - Government
 - Non-governmental organisation (NGO) (including office bearer of a law society/bar council/association or a charity)
 - Other (please specify)
3. How many years have you been practicing?
 - 1-5 years
 - 5-10 years
 - 10-20 years
 - 20+ years
4. What are the areas of law you practice in or are involved in?
 - Administrative law
 - Corporate law
 - Constitutional law
 - Commercial law
 - Criminal law
 - Family law
 - Employment law
 - Human rights
 - Other (please specify) _____

Importance of the rule of law elements and their implementation

5. How important do you consider the following elements for the rule of law, and how well are these elements implemented in your country?

Rate on a scale of zero to ten

Zero indicates not at all important and ten indicates 'extremely important'.

- Legal certainty
- A transparent, accountable and democratic process for enacting the law
- Prohibition of arbitrariness in the exercise of public power
- Access to justice before independent and impartial courts
- Respect for human rights
- Non-discrimination and equality before the law

The status of judicial independence

6. To what degree do you agree/disagree with the following statements in relation to your country?

- There is no inappropriate or unwarranted interference in the judicial process
- Governmental institutions respect and observe the independence of the judiciary
- Judiciary is self-governed in matters of organisation and management; it is involved in all key decisions affecting its functioning, especially concerning the organisation of courts and procedural laws
- Everyone has the right to be tried by ordinary courts or tribunals using established legal procedures
- Judicial proceedings are conducted fairly
- There is proper allocation of appropriate human, material and financial resources for the judiciary and judicial proceedings
- People selected for judicial office are individuals of integrity and ability, with appropriate qualifications and training
- The term of office of the judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement are adequately ensured by law/regulation
- Judges are free to form and join associations of judges or other organisations to represent their interests, promote their professional training and protect their judicial independence
- Judges are subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties
- Disciplinary proceedings against judges take place before an independent body and are subject to an adequate judicial review or court appeal
- The media report in a balanced way about the judiciary
- The media does not exert undue influence on the judiciary
- Do you wish to elaborate on any of your above responses?

Threats and safeguards to judicial independence

7. Judicial independence means that judges must be free from external interference in the discharge of their duties, in particular from the executive and legislative branches of government. Do you consider the following to be a threat against or a safeguard for judicial independence in your country?

- Constitutional reforms (that is, changes to the constitution)
- Changes to national/local law
- Funding of the judiciary
- Salaries of the judges
- Government actors/authorities
- Political parties
- Domestic NGOs/voluntary associations
- Bar association/bar council/law society (other regulators of the legal profession)
- Media
- Foreign governments
- International laws
- International courts
- Other international institutions (for example, the European Commission, the Venice Commission and the UN Special Rapporteur on the independence of judges and lawyers)
- International NGOs/voluntary associations
- Any other country specific threat or safeguard you would like to specify?

Impartiality of the judiciary

8. Judicial impartiality means that judges must avoid any course of conduct or action, in or out of court, that could reasonably give rise to a perception of bias.

To what degree do you agree/disagree with the following statements in relation to your country?

- Overall, the judiciary in my country is impartial
- I have personally witnessed/encountered judicial bias
- Persons who have concerns about the impartiality of a judge in their case have adequate procedures to raise their concerns

9. Do you believe any of the following affect the impartiality of the judges in your country?

- Partisan ideological views of the judge
- Religious beliefs of the judge
- Other perspectives based on social background of the judge
- Personal/family networks and loyalties

- ‘Groupthink’ regarding the interpretation of the law within the judiciary
- Corruption/financial incentives
- Other (please specify)

Judicial accountability

10. What, according to you, are elements of judicial accountability?

- Transparency in judicial appointments (public hearings of candidates)
- Democratic election of judges
- Transparency in judicial governance
- Absence of corruption
- Absence of judicial bias
- Adherence to standards of professional conduct
- Adherence to standards of judicial conduct
- Presence of external oversight of the judiciary
- Absence of attacks on judicial independence
- Transparent and effective disciplinary mechanism if a judge is found to be in breach of standards of conduct
- Other (please specify)

11. To what extent do you agree/disagree with the following?

- Judicial accountability is important for the rule of law
- Judicial accountability is compatible with judicial independence
- Judicial accountability is compatible with judicial impartiality

Country specific rule of law issues

12. Please indicate in bullet points or a few sentences/words the worst development in your country in relation to the rule of law in the last few years?

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