**Advancing Judicial Independence and Accountability: Preserving the Rule of Law and Reinforcing Judicial Security in an Evolving Global Landscape**

**Introduction**

I am delighted to be here in South Africa for the J20 conference as President of the Courts in England and Wales. Lord Reed, as President of the Supreme Court of the United Kingdom, of course represents the United Kingdom’s apex court. May I extend my thanks to the Chief Justice for her kind invitation and to her officials for organising such a wonderful event, when we can all come together to discuss our shared interests and new ideas for tackling our common issues. I am deeply committed to forging strong interjurisdictional relationships and understand well the value of sharing knowledge and best practice. While our various jurisdictions may differ, and we each have our own challenges to overcome, events such as this remind us of our many similarities, and our collective commitment to the rule of law, the guiding principle that ensures public confidence and trust in the justice system.

I hope to explore through my brief remarks today how preservation of the rule of law depends on the protection of judicial independence, the advancement of accountability and public understanding, and the reinforcement of judicial security. All three are needed if we wish to protect and promote the rule of law across all our nations.

In England and Wales, like many other jurisdictions, the executive is independent from the judiciary. Judicial independence is not simply a protective mechanism for judges. It gives the rule of law legitimacy – it is its very fabric. The judicial freedom to decide cases without fear or favour, affection or ill will – a fundamental constitutional safeguard - is of course reflected in the judicial oath taken by in those exact terms.

And yet we live in a world in which that freedom is increasingly under threat.

Judicial independence is reliant upon, amongst other things, judicial security. It is a sad sign of an evolving global landscape – a sign of change – that judicial security is now so important a subject to us that it features as a central topic for our discussions this week.

Threats to judicial security are not new but, in the two years since I took up post, I have seen firsthand the increase of threats to the serving judiciary and the escalation not only in terms of tone but also actual violence.

Let me say immediately that I am all too aware of the far more serious risks faced by judges in some of the other G20 countries, such as Argentina, Brazil and Mexico.

Nevertheless, for England and Wales, these are new developments. In 2023 we saw a serious physical attack on a senior family judge in court. Crown Court Judges received death threats in the 2024 summer riots. It has become commonplace to see inaccurate media reporting leading to dangerous individuals using social media as a platform to make threats or incite anger. Immigration judges in particular at the moment are under daily attack and security threats. Our recent Judicial Attitude Survey 2024 (with 90% response rate) shows concerns for personal safety have increased substantially since 2022. In some jurisdictions around 70% of judges have such concerns.

These security concerns have a direct impact on the advancement of the rule of law in terms of open justice and transparency. The balance between transparency and security is a delicate one. Put simply, the more open the system, the greater the risks to judicial security.

So at a time when we are looking to the future – and embracing technology and its capacity to support not only efficiency but also increased transparency, – we must also address the issues of the present, to promote a society in which legitimate debate takes place within an environment that is safe for judges and which underpins judicial independence. Threats to judges are not only a matter of personal safety. They represent an attack on the ability of the judiciary to carry out its constitutional role, and by extension, an attack on the democratic process.

**With this introduction, let me turn to the interconnection between judicial independence and accountability**

Maintaining judicial independence does not mean distancing the courts from the public that they serve. Public confidence depends on integrity in decision-making and understanding how and why decisions are made. Judicial independence is not protected by removing the judiciary from public view but rather by reinforcing public trust through openness and transparency.

In England and Wales, we have a publicly available ‘Guide to Judicial Conduct’ which sets out for all to see the rules and expectations by which we expect all judicial office holders to abide. The Guide makes clear that public confidence in the judiciary relies not only on actual independence, but also on the public perception of that independence. It must be evident that judges are impartial and that their decisions are reached without influence.

In a world where public trust in institutions cannot be taken for granted, transparency has become more important than ever. In the age of instant communication and heightened public expectation, the judiciary must meet a broader demand for accessibility, both in principle and in practice. Today, transparency is no longer confined to the open courtroom. It includes the timely publication of judgments, the responsible use of live streaming, digitisation, and the clarity with which reasons are given.

In recent years, livestreaming and filming of court hearings has been up and running in the Court of Appeal (Civil Division), there has been broadcasting of hearings in Court of Appeal (Criminal Division) and of Crown Court sentencing remarks in high profile criminal cases.

In April 2024, I created the Transparency and Open Justice Board for the judiciary in England and Wales. The Board includes representation from all levels of seniority across the judiciary and all four divisions of its work (criminal, civil, family, and tribunals). My goal in establishing the Board is for transparency and open justice to be seen not as merely a ‘bolt-on’ or a ‘nice to have’ – but rather an integral part of the delivery of justice.

The Board has been tasked to identify workstreams to promote open justice to enable the public to understand and scrutinise the administration of justice by Courts and Tribunals; and thereby seek to uphold public confidence in the administration of justice; and support improved public understanding of the constitutional role discharged by Courts and Tribunals.

Since its establishment, it has delivered significant progress.

Between December 2024 and February of this year, the Board undertook a full public engagement exercise to establish its key objectives. The overriding objective is that Courts and Tribunals should deal with cases justly, and that the principles of transparency and open justice generally require the proceedings and decisions to be open and accessible to everyone (including the public and the media).

To achieve this, the Board has identified four practical steps for every court and tribunal across England and Wales:

1. Timely and effective access to information about cases before a Court or Tribunal, including: the principal subject matter of the case; the location, date and time of the hearing; and information on any reporting restrictions imposed, the rationale for those restrictions, and clear information on how to challenge this.
2. Timely and effective access to the core documents relating to the proceedings, including: the document that identifies the principal subject matter of and issues in the case; the evidence being considered by the court; submissions from parties; and written orders, judgements or decisions relating to the case.
3. Effective access to hearings held in public, including: enabling members of the public and media representatives to attend the hearing in person; permitting, where appropriate, broadcasting of the whole or part of the hearing; and enabling transcripts to be obtained of proceedings.
4. When a hearing is not held in public, a challenge to all courts and tribunals to consider actively how the principles of open justice can best be promoted regardless, be that a redacted or summary judgment, or a limited number of individuals able to observe the hearing.

A number of new initiatives now in place to implement these objectives. For example, making skeleton arguments and core documents in the Court of Appeal (Civil Division) publicly available. The Board is working with the Ministry of Justice to extend broadcasting to the Administrative Division of the High Court. We are looking to launch a pilot next year to provide more documents online in cases before the Business and Property Courts. None of this is without its challenges, including resource and financial implications.

Public confidence does not require agreement with every outcome, but it does depend on seeing a process that is fair, open and transparent. When the work of the courts is visible and explained clearly, judicial independence is better understood. Judicial independence and accountability can be seen as fundamentally compatible, both essential to a justice system that is trusted, effective and rooted in the rule of law.

**Returning then to the flipside to increased transparency and openness - increased risk to judicial security**

When encouraging increased transparency and openness, it is, I think, important to be able to recognise openly that with it comes increased risk to judicial security. And to reassure, so far as possible, that necessary steps to protect the judges are being taken.

As already mentioned, we have seen a recent increase in media commentary, not only on judgments but also judges, particularly in the context of immigration tribunal decisions. The commentary has gone beyond reasoned criticism of decisions and becomes attacks on individual, identified judges. Such attacks, often based on a misrepresentation of the facts, reasoning or outcome of cases, provoke violent responses on social media, including threats of violence against judges and their families, door stepping and doxing. These incidents have real world impacts on the judges in question.

So, whilst I am committed to drive forward the work started on ensuring that the courts in England and Wales are as open and transparent as possible, I must also do what I can to ensure that judges are secure and able to carry out their judicial duties without fear for their own, or their families’, safety.

In January of this year, I launched a Judicial Security Taskforce, focussing on identifying practical steps to safeguard the judiciary.

The taskforce has commissioned the Police to conduct a GAP analysis between current procedures and an ideal model for judicial protection. The findings will then be addressed by the taskforce, where it will work with the police and other partners to see what can be put into practice to take us further toward realising that ideal.

One of the first actions taken forward by the taskforce has been launching a new online security training course, which is mandatory for all judicial office holders in our civil and family courts, in the tribunals, all magistrates, and judges in the coroner’s service. This training outlines practical steps for judicial office holders to stay safe, including real-life examples of threats to security and how this can be managed.

On physical security, HM Courts and Tribunals Service – a Ministry of Justice-funded agency that supports the operational delivery of our courts and tribunals – has received significant capital investment to bring all hearing rooms in England and Wales up to minimum safety standards as an immediate priority. This includes testing and improving panic alarms in all rooms, ensuring judges have safe exit routes out of court rooms, and that there are working and effective locks on doors to prevent violent persons getting to judges once they have escaped.

I have also introduced a new cohort of security liaison judges, who are being empowered to respond proactively at a local level to security concerns raised by individual judges and work with HMCTS to ensure these practical security improvements are being made.

All of this work is essential. But we know that the best mitigation is to proactively identify and deal with risks before they arise. Social media and horizon scanning is increasingly important. Likewise, intelligence agencies and the police should work to identify individuals who pose a threat before they are able to strike. This has funding implications, of course, but it is essential.

**What does the future look like?**

My vision for the future is clear: a judiciary that is secure, respected, and trusted. Not just for the sake of the judiciary, but to ensure public confidence in the justice system.

While judges’ safety has indeed become a matter of increasing concern, it is important that courts remain accessible and visible to the public. This is central in ensuring public confidence in the legal system.

This balance requires careful judgment. Security measures must be proportionate and designed to protect without discouraging public participation or making courtrooms feel closed or remote. When necessary, alternative arrangements, such as remote access, may be appropriate. Security measures must support, not diminish, the values that underpin a democratic and transparent system of justice.

This will take resource and time, but it is necessary. I see this as continued, and increased, investment in digital resilience – working with cybersecurity experts, partners and technology platforms, to protect judges from online abuse. We must also continue to embed wellbeing and support into our working lives – recognising that judicial resilience includes mental health, collegiality, and psychological safety.

The burden of maintaining judicial independence does not, however, fall upon judges alone. The independence of the UK’s judiciaries is also a political achievement, one attained through the efforts of members of the executive and legislative branches of government to be circumspect when discussing cases before the courts and to defend judges from hostile comments and from those who would attack their motives.  We must ensure that ministers uphold their constitutional duty to defend judicial independence.

We must also be clear about when and how the judiciary responds to criticism. There is strong justification for keeping the bar for judicial comment high. Judicial independence requires not only protection from outside influence but also public assurance that judges act with neutrality. That assurance is sustained by careful restraint, a clear understanding of judicial boundaries and commitment to the principles of the rule of law. So judicial responses must be rare, measured, and rooted in the need to uphold public confidence in the administration of justice, including, when necessary, the need to protect the safety of judges.

**Conclusion**

The challenges that we face are significant, but they are not insurmountable. The rule of law is sometimes described as fragile and there is some truth in that. It depends on trust in the fairness of institutions, in the integrity of decision-making and in the willingness of society to respect judicial decisions. That trust can be tested, particularly in times of political uncertainty, social tension or rapid global change.

It is important to remember that judicial independence, security, and transparency are not competing priorities – they are interrelated pillars of a healthy democracy which all play their part in preserving the rule of law. We must continue to invest in safeguarding our judiciary: through physical and digital protections, and also by fostering a culture of respect, understanding, and informed public engagement.

The rule of law endures because it is upheld each day by individuals and institutions who are committed to its principles. The judiciary must remain open to scrutiny, but never vulnerable to intimidation**.** Our collective responsibility is to ensure that judges can carry out their duties free from fear, and that the public can trust in a system that is both fair and accessible. In responding to threats, we must reaffirm our commitment to open justice and send a clear message that no form of intimidation or violence will deter the rightful functioning of our judicial system.

By working together – across jurisdictions and borders, in opportunities such as these – we can reinforce the foundations of justice and uphold the rule of law for generations to come.

**Baroness Carr of Walton-on-the-Hill**

**Lady Chief Justice of England and Wales**

**September 2025**