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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Principles for judicial appointments****Report of the Special Rapporteur on the independence of judges and
lawyers, Margaret Satterthwaite***Summary*

The present report sets out principles aimed at ensuring that judicial selection and appointment reinforce independence and impartiality and sustain public confidence in the administration of justice. Drawing on international human rights law, regional norms and jurisprudence, and guidance from authoritative expert bodies, the principles set out minimum safeguards applicable across various institutional models. They do not seek to provide guidance for customary or Indigenous Peoples' justice systems.

The report groups these principles into three areas. First, the principles address the institutional prerequisites for judicial selection and appointments, including the need for a clear legal framework, independent and impartial selection authorities and strict limits on provisional or temporary appointments that may expose judges to undue influence.

Second, the principles encapsulate the criteria governing individual judicial selection, emphasizing merit as the central standard, within broader systems designed to ensure diversity. Selection processes should rely on objective and pre-established criteria, incorporate integrity screening and impartiality safeguards and promote diversity and representativeness so that the judiciary reflects the society that it serves.

Third, the principles set out process guarantees. These include transparency at key stages of the process, equality of access to judicial office, structured and fair assessment methods, reasoned decision-making, timely completion of appointments and assumption of office, effective mechanisms for challenging irregularities and opportunities for meaningful civil society participation.

To be meaningful, these principles should be translated into context at the appropriate local, national and, where relevant, regional levels, through structured participatory consultation with all relevant stakeholders.



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I. Introduction

1. Judicial selection and appointment processes are the entryway to the judiciary. These systems must be designed to safeguard the independence of the judiciary while ensuring that those appointed as judges have the ability and temperament to serve with competence and ethics. The Human Rights Committee has explained that the “requirement of independence refers, in particular, to the procedure and qualifications for the appointment of judges”.¹ Appointment systems that embrace merit (integrity, training and ability) as the governing criterion for individual selection within broader mechanisms to promote diversity ensure that candidates are chosen for their judicial qualities and not for improper reasons.

2. Poorly designed appointment processes leave judicial systems vulnerable to politicization and capture. When considerations such as political alignment, loyalty to an ideology or connections to economic or social elites are able to penetrate selection mechanisms, they can influence results. Appointments may be made with a view to installing candidates who will rule in predictable ways that align with powerful interests. Even a few such appointments can degrade the judiciary in the eyes of the population. Over time, numerous strategic appointments can alter an entire system, degrading the right to a fair trial and access to impartial and equal justice for all.

3. The report presents a set of principles aimed at ensuring that judicial selection and appointment systems enhance independence and impartiality and strengthen public confidence in the judiciary. The principles were derived from international human rights law and a synthesis of regional human rights norms and case law, alongside guidance from authoritative expert bodies. Good practices were considered, as were patterns of capture and politicization. Due to the global nature of the mandate, these principles are designed at a level of abstraction to be useful across legal systems. They are not intended as model legislation, nor as a uniform blueprint. Rather, they should be understood as guiding minimum safeguards. Principles of this kind acquire meaning only when translated into concrete institutional design. That translation requires adaptation to specific legal and constitutional contexts, engagement in national and local consultation, and customization to social and cultural environments. Such consultation is not a procedural courtesy; it is a safeguard against reforms driven by transient political interests or framed in ways that obscure their systemic implications. Equally, placing the principles into dialogue with regional standards will enhance coherence and facilitate collaboration on implementation among States.

II. Scope of application

4. The principles are primarily designed for use in relation to State judicial systems. However, they are also relevant to administrative or other officials outside the judicial power who exercise determinative adjudicatory powers over “any criminal charges” or “rights and obligations” in “a suit at law”.² In brief, they are relevant wherever the right to “a fair and public hearing by a competent, independent and impartial tribunal established by law” applies.³ The Special Rapporteur notes that, in practice, this often includes, but is not limited to, administrative or immigration judges, military courts, electoral courts and special courts created by particular legal frameworks, such as anti-terrorism courts.

5. These principles do not seek to provide guidance for customary or Indigenous Peoples’ justice systems. In relation to Indigenous Peoples’ justice systems, safeguarding judicial independence and impartiality also requires respect for the right of Indigenous Peoples to designate, select or confirm their own judicial authorities in accordance with their institutions, customs and decision-making processes, consistent with international human rights standards.⁴

¹ General comment No. 32 (2007), para. 19.

² *Ibid.*, para. 3.

³ International Covenant on Civil and Political Rights, art. 14.

⁴ See [A/HRC/59/52](#).

III. Context

6. The present report is published in a context of weakening rule of law across the globe.⁵ A distinct wave of democratic decline and autocratization has affected countries in all regions.⁶ Evidence-based measures of judicial independence record trends of decline.⁷ In countries affected, judicial systems have been degraded by attempts to capture or curb the judicial branch, and justice operators have been the targets of instrumentalized criminal and disciplinary punishments and weaponized populist sentiment.⁸ In this context, the process of judicial appointments takes on renewed importance. If well-designed, judicial appointment processes should exclude opportunities for capture and protect the independence of the judiciary. If poorly designed, they may be vulnerable to those seeking to steer judicial systems. Common strategies to make appointment processes more politically permeable include rewriting appointment rules to allow for political considerations, changing the composition of appointment bodies such as judicial councils to increase the influence of elected or appointed political actors, creating special chambers or courts with exceptional appointment tracks dominated by political actors, and appointing temporary or provisional judges who can be chosen with political factors in mind.⁹ Other strategies may be used by powerful economic actors, including the purchase of influence through well-financed formal or informal campaigns to support specific judicial candidates and the systematic targeting of selection bodies through advertising or lobbying.¹⁰

7. The Special Rapporteur has observed these dynamics through her work on communications, country visits and engagement with judges, prosecutors, lawyers and community justice workers around the world. In preparing the present report, she has also drawn on a substantial body of stakeholder input, including seven consultations in multiple regions and 78 written submissions from States, civil society and scholars. The present report responds to the concerns raised in these contexts by presenting a set of principles aimed at safeguarding against incursions on judicial independence.

8. Appointment processes that enhance independence and impartiality have wide-ranging positive impacts. Not only do they ensure the integrity of the judiciary, they also protect against bias in selecting among judicial candidates. An inclusive bench that reflects the diversity of a country's population is better prepared to consider and protect the rights of all persons equally.¹¹ An independent and impartial judiciary is also more likely to attract broad public trust. Independent judiciaries are best able to protect the right to a fair trial, equality before the law and access to justice for all.

⁵ See <https://worldjusticeproject.org/rule-of-law-index/insights>; and Marina Nord and others, *Democracy Report 2025: 25 Years of Autocratization – Democracy Trumped?* (V-Dem Institute, 2025).

⁶ See Nord and others, *Democracy Report 2025*; Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York, Crown, 2018); and Stephan Haggard and Robert Kaufman, *Backsliding: Democratic Regress in the Contemporary World* (Cambridge, United Kingdom of Great Britain and Northern Ireland, Cambridge University Press, 2021).

⁷ See <https://worldjusticeproject.org/rule-of-law-index/insights#weaker-judicial-independence>; and <https://doi.org/10.23696/vdemds25>.

⁸ See A/HRC/56/62.

⁹ See *ibid.*

¹⁰ See A/79/362.

¹¹ Some studies have shown that diversity within the judiciary enhances, in the aggregate, the protection of minority and women's rights. See Jonathan P. Kastellec, "Racial diversity and judicial influence on appellate courts", *American Journal of Political Science*, vol. 57, No. 1 (January 2013), pp. 167–183; and Christina L. Boyd, Lee Epstein and Andrew D. Martin, "Untangling the causal effects of sex on judging", *American Journal of Political Science*, vol. 54, No. 2 (April 2010), pp. 389–411. Another line of scholarship shows that women judges may dissent more often. See Marie-Claire Belleau and Rebecca Johnson, "Les femmes juges feront-elles véritablement une différence? Réflexions sur leur présence depuis vingt ans à la Cour suprême du Canada", *Canadian Journal of Women and the Law*, vol. 17, No. 1 (2005), pp. 27–39.

IV. Diverse selection and appointment architectures

9. International law and standards do not require any specific system of judicial selection and appointment. Instead, different architectures are acceptable so long as they ensure the selection of diverse judges for reasons of merit, exclude the possibility of appointment for improper or discriminatory reasons and advance equality in access to the judiciary. The Special Rapporteur notes that there is a wide variety of appointment systems around the world, and she emphasizes that the present report sets out guarantees concerning the process and substance for selection and appointments and not requirements for institutional design.

10. In many countries, especially those with a judicial career system, entry into the judiciary is primarily through a competitive exam, sometimes coupled with training at a judicial institute or academy. In such systems, appointment may be automatic upon successful completion of the required educational programme or examination, and it may also depend on successful placement or hiring, often by a specific jurisdiction.

11. In many countries, judicial councils hold the power to administer recruitment, selection and often appointment processes.¹² Such councils have a variety of compositions, but they are frequently more or less independent bodies made up, at least in part, of sitting judges. Councils may also include political appointees or representatives of elected branches of the State, as well as academics and civil society leaders. Judicial councils may implement competitive exams, interview candidates and evaluate the academic and employment record of candidates. In some cases, judicial councils can themselves appoint judges, while, in others, councils recommend selected candidates to the executive or legislature for appointment.

12. In some countries, judges of the highest court are responsible for judicial selection and promotions, either alone or in an advisory capacity to the executive. In such systems, the entire bench of the apex court may be part of the selection process, or a subset of judges, acting as a collegium, for example, may be charged with these tasks.

13. In other countries, some or all judges may be appointed by the executive branch, often upon confirmation by the legislature. In such systems, judicial candidates may be identified and evaluated by committees, panels or legislators and recommended to the executive for discretionary nomination. The role of the legislature is generally limited to approval or rejection, often requiring a qualified majority to confirm. Such confirmation polling may follow hearings or other forms of assessment by the legislature.

14. The appointment of judges or magistrates to the highest courts, or to constitutional tribunals, often follows processes distinct from the appointment of the ordinary judiciary. For example, in some countries, some or all apex court judges may be named by their peers, while, in others, all or some of the three branches of government each select a set number of justices or have a role in their selection. In other countries, apex or constitutional court judges may be chosen by commissions created solely for this purpose.

15. A few countries use popular elections to select some or all of their judges. Such elections may involve – or prohibit – partisan or non-partisan campaigning. Elections may be restricted to only high-level judges, or only state- or canton-level judges, or may encompass the entire judiciary. In some systems, judges are appointed as an initial matter but must then win a popular “retention election” to remain after the first term. The selection and assessment process for candidates to be placed before the electorate varies greatly across systems: in some places, merit-based processes are used to select judicial candidates using specified criteria, while, in others, only minimal requirements are imposed before different branches of the State select candidates to appear on the ballot.

16. Judicial elevation sometimes follows the same process as initial appointment, while, in judicial career systems, judges generally are promoted according to specific rules set for this purpose. The principles set out in the present report were prepared to apply to appointment processes, but they may also be relevant, *mutatis mutandis*, to promotion or elevation.

¹² See [A/HRC/38/38](#).

V. Applicable legal standards

17. The present section identifies the legal and authoritative sources from which the principles for judicial appointments developed below are derived, beginning with binding treaty obligations and proceeding to subsidiary interpretive materials. Due to severe word-limit rules concerning the text and footnotes of reports issued as official documents of the United Nations, which are especially strict due to the liquidity crisis, the present report includes citations only when a specific source is quoted. Myriad legal standards, jurisprudence and expert guidance have been relied upon in formulating these principles; in due course, a version with full citations will be prepared and published in an academic journal.

A. Universal human rights treaties

18. At the universal level, the primary sources used in the present report are binding international human rights treaties. Foremost among these is the International Covenant on Civil and Political Rights, in particular article 14 thereof, which guarantees the right to “a fair and public hearing by a competent, independent and impartial tribunal established by law”. The authoritative interpretation of this provision is provided by the Human Rights Committee, notably in its general comment No. 32 (2007). Complementary universal standards are articulated in the Basic Principles on the Independence of the Judiciary (endorsed by the General Assembly in its resolutions 40/32 and 40/146) and, as regards judicial integrity, in the Bangalore Principles of Judicial Conduct, endorsed by the Economic and Social Council in its resolution 2006/23.

19. Other universal human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities, reinforce these obligations to the extent that they require equality before courts and tribunals and non-discriminatory access to public service, including judicial office. These guarantees must be read together with the foundational fair trial provision contained in article 10 of the Universal Declaration of Human Rights. The scope and practical implications of these treaty obligations are clarified by the jurisprudence, general comments and concluding observations of the United Nations treaty bodies, which consistently treat the procedures governing the selection, appointment, promotion and removal of judges as structural elements of judicial independence. They have therefore repeatedly called for transparent, objective and merit-based appointment mechanisms insulated from improper interference and aligned with relevant international standards.

B. Regional human rights law

20. Binding regional human rights instruments, including the African Charter on Human and Peoples’ Rights, the European Convention on Human Rights and the American Convention on Human Rights, as interpreted by regional judicial and quasi-judicial bodies, also provide relevant guidance. These sources also include, in particular, the jurisprudence of the African Court on Human and Peoples’ Rights, the interpretative work of the African Commission on Human and Peoples’ Rights, the case law of the European Court of Human Rights and the Court of Justice of the European Union, and the decisions and reports of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights.

C. Regional standards

21. The present report also relies on authoritative standards elaborated by expert bodies at the regional level. Within the Council of Europe framework, particular relevance is attached to the opinions of the European Commission for Democracy through Law (Venice Commission) and the work of the European Commission for the Efficiency of Justice,

including its evaluations and guidelines concerning judicial systems, governance and the functioning of courts. Complementary guidance is provided by the Consultative Council of European Judges, notably in its Opinion No. 1 (2001) and subsequent opinions on judicial independence and councils for the judiciary.

22. In other regional contexts, relevant instruments include the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, adopted by the African Commission on Human and Peoples' Rights, the Commonwealth (Latimer House) Principles on the Three Branches of Government, and the Lilongwe Principles and Guidelines on the Selection and Appointment of Judges, adopted by the Southern African Chief Justices' Forum.

D. Practice of the Special Rapporteur and subsidiary sources

23. The present report further draws on the accumulated practice of the mandate, including thematic reports, country visit reports and communications, which provide a consolidated analysis of challenges to judicial independence in the context of judicial selection and appointment across legal systems.¹³ Finally, reference was made to the writings of highly qualified publicists in international human rights law, comparative constitutional law and judicial governance.

VI. Principles for judicial selection and appointment

A. Prerequisites

Principle 1: Legal basis

Guideline

24. With the purpose of ensuring judicial independence and impartiality, judicial selection and appointment systems should be set out in constitutional or legislative provisions that are sufficiently precise to constrain undue discretion in selection and appointment processes and to secure compliance with relevant international and regional standards.

Normative content

25. Regional jurisprudence treats the existence and clarity of selection and appointment rules as a precondition for the guarantees of judicial independence and impartiality, limiting discretion and enabling meaningful scrutiny.¹⁴ Selection and appointment rules should therefore define the competent authorities responsible for each stage of appointment, the applicable procedures and the essential criteria for access to judicial office, in a manner consistent with relevant international standards. In addition to the existence of rules, their operation in context matters: where selection and appointment frameworks are amended, the manner, sequencing and surrounding reforms should be assessed in the light of their practical effects on the independence of the institutions involved and on public confidence in the impartial administration of justice.

¹³ See, e.g., [A/HRC/11/41](#), paras. 23–34; and [A/HRC/38/38](#), para. 49.

¹⁴ African Court of Human and Peoples' Rights, *Sébastien Germain Ajavon v. Republic of Benin*, Application No. 013/2017, Judgment, 29 March 2019, para. 280; Court of Justice of the European Union, *A.B. and Others v. Krajowa Rada Sądownictwa*, Case No. C-824/18, Judgment, 2 March 2021, paras. 116–119; European Court of Human Rights, *Thiam v. France*, Application No. 80018/12, Judgment, 18 October 2018, paras. 59 and 82; Venice Commission, Opinions No. 1027/2021 and No. 1067/2021, document CDL-AD(2021)048; and European Court of Human Rights, *Reczkowicz v. Poland*, Application No. 43447/19, Judgment, 22 July 2021, para. 211.

Recommendations

26. States should codify the rules governing judicial selection and appointment in legal instruments and ensure that the applicable framework is consolidated and publicly accessible. Appointment systems should include safeguards to prevent institutional paralysis, including appropriate anti-deadlock mechanisms such as the prolongation of incumbent judges' tenure, the lowering of requirements for qualified majorities, or the appointment of judges by alternative bodies should the regular procedure fail for a prolonged period.

Principle 2: Impartial selection systems*Guideline*

27. The selection of judges must be carried out in an impartial and inclusive manner that guarantees the independence of those appointed to the judiciary. The entity responsible for selection must be able to discharge its functions without political interference, and selection must not be subject to the control of any other person, body or organization, including the executive, legislative or judicial branch.

28. Good practice is to entrust judicial selection processes to an independent body, such as a judicial council. The independence of this body should be guaranteed by law and in practice. Its composition, mandate and functioning should be such as to shield it from undue influence or political capture. The nature of the independent body should inspire public confidence that judicial careers are governed by objective, merit-based considerations rather than partisan or other extraneous concerns.

Normative content

29. While institutional arrangements vary, international guidance embraces the objective of ensuring that political or other extrinsic considerations cannot prevail over objective merit in judicial selection and appointment. This requires structural constraints. Executive or legislative involvement in selection is not in itself incompatible with judicial independence. However, it is permissible only insofar as it does not translate into undue influence over or pressure on selection processes, and only if the overall institutional design effectively secures both independence and the appearance of independence and impartiality.

30. Whether concentrated in a legislature, particularly under conditions of dominant majorities, or in the executive, the involvement of political branches in selection creates a direct pathway for partisan influence. As a rule, the involvement of political actors must be ceremonial or narrowly confined and is best exercised based on proposals from an independent selection body. Any power to choose among, or to refuse to appoint, proposed candidates is particularly "critical"¹⁵ and, if retained at all, should be reasoned, formally justified and legally constrained. Approval by consensus or approval by a qualified majority are good practices when the legislature is involved in appointment, so long as an anti-deadlock mechanism is in place to avoid undue delay.

31. The risks are more acute for judicial leadership posts (e.g. chief justice, court presidents or heads of chambers), where a single appointment can reshape institutional priorities and internal governance (e.g. through case allocation or judicial transfers) and, in effect, pose a risk that reverberates through the system. Human rights bodies have therefore scrutinized arrangements in which the executive or legislature plays a determinative role in selecting such office holders, particularly where the applicable safeguards do not dispel reasonable concerns as to independence and impartiality.

32. Where a judicial council exists, the State must secure its independence: the existence of a council is not, in itself, a safeguard. Its composition, mandate, internal allocation of powers, and actual practice must be such that it is not amenable to capture, whether political, economic or criminal. Dominance by political actors or their appointees, including where executive officials hold positions *ex officio*, creates opportunities for strategic leverage over selection.

¹⁵ Venice Commission, Opinion No. 747/2013, document CDL-AD(2013)034, para. 16.

33. However, independence on paper is not enough if the council could be sidelined in substance. The safeguard depends on whether the council has a genuinely decisive role in selection, rather than serving as procedural cover for political influence. This is especially critical where final appointment decisions are not subject to judicial review, in which case the independence of the selection body and the availability of review of its proposals become central guarantees against arbitrariness.

34. The Venice Commission has consistently stated that councils should be composed of a majority of judges elected by their peers, ensuring the widest possible representation across court levels and reflecting diversity (including with regard to gender and region).¹⁶ At the same time, a mixed composition, including non-judicial members, may be justified, not to dilute independence, but to reduce the risks of corporatism, “cronyism” and the perception that judicial governance is a closed system.¹⁷ Configurations that channel partisan control into the council’s decision-making are incompatible with its safeguarding function. Accordingly, executive involvement in the selection of council members should be avoided. Where, as in a number of systems, the minister of justice or another government official sits *ex officio* to facilitate institutional dialogue, the role of such an official should be strictly limited so as not to enable the risk of domination by the political majority. The minister should neither vote nor participate in decisions concerning selection and promotion.

35. Systems that elect judges, through popular or parliamentary polling, are often defended in the name of democratic legitimacy. The Venice Commission has noted that, in practice, such systems risk exposing judges to the logic of political campaigning and electoral accountability, which weakens the conditions for, and the perception of, impartiality and independence.¹⁸

36. The Human Rights Committee has expressed concern that the election of judges may adversely affect the implementation of fair trial rights under article 14 of the International Covenant on Civil and Political Rights and has recommended that such systems be reconsidered with a view to replacing them with merit-based appointment by an independent body.¹⁹ If elections are retained, rigorous pre-selection of candidates should be carried out by an independent body and on the basis of merit, with only the final selection among qualified and meritorious candidates subject to popular election.

Recommendations

37. States should design judicial selection processes so that political influence cannot determine outcomes. This requires moving away from systems that subject judicial appointments to electoral dynamics or direct partisan control and strengthening independent bodies entrusted with assessing candidates on the basis of merit. Where judicial councils or similar bodies are entrusted with selection functions, their independence must be secured through clear legal guarantees concerning composition, tenure and decision-making. Appointment procedures for members of such bodies should be transparent and structured to prevent capture by political or other vested interests.

Principle 3: Provisional, acting or temporary appointments

Guideline

38. Provisional, acting or temporary judicial appointments should be exceptional, time-limited and based on necessity. Such appointments should be governed by the same guarantees of independence that apply to permanent appointments. They must not become a channel for executive or political leverage through unilateral designation, renewals or discretionary termination.

¹⁶ Venice Commission, Opinion No. 1233/2025, document CDL-AD(2025)021, para. 36.

¹⁷ [A/HRC/38/38](#), paras. 66–83.

¹⁸ Venice Commission, Opinion No. 403/2006, document CDL-AD(2007)028, paras. 9 and 10.

¹⁹ [A/50/40](#), paras. 266–304, in particular paras. 288 and 301. See also [A/HRC/50/36/Add.1](#), para. 112.

Normative content

39. A temporary term must not allow for the dilution of the safeguards of independence or those of due process and legal certainty. Provisionality is not a licence for discretionary removal, and it must not make judges dependent upon the authority that controls renewal, extension, secondment or termination. Accordingly, provisional appointments should be anchored in law, limited in duration and subject to a clearly predetermined endpoint, whether through a fixed term or through a resolutive condition such as the completion of a transparent, competitive, merit-based process for a permanent appointment. They should not be prolonged indefinitely, nor should a judiciary be made up of a significant portion of provisional judges, as this generates vulnerability to pressure and reasonable doubts as to independence.

40. Renewability is particularly sensitive. Where temporary mandates are renewable, or where continuation depends on discretionary decisions by political authorities, the judge's individual independence may be at risk, especially when the same authorities may appear before, or otherwise engage with, the court. The same logic applies to secondments or temporary placements: the governing rules should prevent their use as instruments of influence over judicial decision-making, including by requiring transparent criteria determined in advance and reasoned decisions for assignment. Probationary or "trial" appointments are generally disfavoured and, if used at all, require strict safeguards to avoid converting evaluation into improper leverage.

Recommendations

41. States should ensure that provisional, acting or temporary judicial appointments are genuinely exceptional and subject to strict legal limits. Their duration should be capped and renewals tightly restricted so that temporary status cannot evolve into a structural feature or a means of exerting influence over judges. Where such appointments are unavoidable, the same guarantees that apply to permanent appointments, including merit-based selection, transparency and access to review, should apply. Cooling-off periods should be considered to prevent service in a temporary or acting capacity from conferring undue advantage or facilitating influence over subsequent permanent or further temporary appointments.

B. Criteria**Principle 4: Merit (integrity, training and ability) as the governing criterion***Guideline*

42. Judicial selection and appointment should be guided primarily by merit and based on criteria set out in law, having regard to three main elements: (a) integrity and/or honourability; (b) training and/or qualifications; and (c) ability, aptitude and/or skills. Such criteria should be assessed through objective, verifiable and transparent methods. Merit-based selection should become progressively more exacting as appointments rise in the judicial hierarchy. Seniority may inform the assessment, but cannot replace it.

Normative content

43. European jurisprudence has made explicit that a "tribunal" in a rule of law State presupposes judges selected for their merit, and that a rigorous appointment process is essential both to secure the most qualified candidates and to sustain public confidence.²⁰ Inter-American standards converge on the same core obligation: selection should be based exclusively on personal merit and professional ability through objective procedures that reflect the functions to be performed and ensure equality of opportunity without unreasonable privilege.²¹

²⁰ European Court of Human Rights, *Guðmundur Andri Ástráðsson v. Iceland*, Application No. 26374/18, Judgment, 1 December 2020, paras. 219–222.

²¹ Inter-American Court of Human Rights, *Reverón Trujillo v. Venezuela*, Judgment, 30 June 2009, paras. 71–73.

44. Merit is not confined to academic performance, analytical skills or legal knowledge. Merit also encompasses integrity, training and ability. Integrity includes good judgment and independence of character, while ability includes cross-cultural communication skills and knowledge reflecting the diversity of society. Merit-based appointment also requires mechanisms to prevent the selection of those who lack competence or integrity and, with due process, to address incompetence or corruption once identified in a judicial candidate.

45. Merit-based selection must not reproduce gendered or otherwise exclusionary conceptions of “excellence”. Selection standards and assessment methods should therefore be designed and applied to eliminate direct and indirect bias and to support a judiciary that is diverse and broadly reflective of the society that it serves.

Recommendations

46. States should define role-specific profiles and publish competency matrices that clarify the qualifications, skills and attributes sought in candidates. The use of public indicators that provide specific, objective, and – where relevant – quantifiable assessment tools can be especially useful. Appointment and promotion decisions should be based on the established criteria and should be grounded in an objective assessment of merit. Legal and institutional safeguards should ensure that political preference, ideological alignment and other extraneous considerations play no role in determining who is selected for the judicial role.

Principle 5: Pre-appointment integrity assessments

Guideline

47. Integrity and honourability are important criteria for judicial selection. Assessment of integrity should therefore be undertaken before or during the selection or promotion process to protect the propriety of the judiciary and ensure public confidence in the administration of justice. Such measures should be prescribed by law and implemented in a manner that is objective, proportionate and non-discriminatory and should be accompanied by due process guarantees. Such processes should be insulated from political influence so that they cannot be instrumentalized as a means of excluding candidates on political grounds.

Normative content

48. Integrity assessment mechanisms should complement pre-existing judicial codes of ethics and should be designed to carefully evaluate the actual honourability or rectitude of a judicial candidate. This may include verification of financial declarations and compliance with basic ethical and professional standards as legally defined. A pre-appointment integrity assessment is not a substitute for criminal or disciplinary investigation: it does not determine whether an offence has been committed, but identifies integrity risks and concerns that could make a candidate unfit for judicial office.

49. Procedural guarantees are not optional. Pre-appointment vetting should be undertaken by an independent institution, typically collecting material from candidates and relevant authorities, putting questions to candidates where doubts arise and concluding with a reasoned decision. Access to the materials and the candidate’s ability to respond to concerns are central to ensuring fairness. The use of burden-shifting may be permissible in a limited sense: once the evaluating body identifies concrete integrity concerns, the candidate may be required to provide information capable of dispelling those concerns, but the applicable standard of proof must track the consequences. Serious doubt, or a similar burden, may suffice because the consequence is exclusion from eligibility for the judiciary or a specific judicial appointment.

50. Finally, financial disclosure measures require calibration. Asset transparency may serve legitimate anti-corruption aims, but, at the selection stage, overly intrusive demands (e.g. open-ended financial investigations, property declarations unrelated to any relevant risk or the publication of fine-grained financial information) may be irrelevant, discriminatory in effect or coercive in practice where “consent” is illusory. Where asset reporting is required, it should be justified, narrowly framed and surrounded by safeguards; more extensive

disclosure for appointments to the highest courts may be defensible, but only within a legally defined and proportionate framework.

51. The Consultative Council of European Judges notes that the screening of judges for corruption could be misused to eliminate politically “undesirable” judges; this risk must be carefully assessed in designing integrity check systems.²²

Recommendations

52. States should establish clear legal frameworks governing integrity assessments in judicial appointment processes. The scope, methods and evidentiary standards for such checks should be codified in law or binding regulations so that candidates are assessed according to objective and verifiable criteria rather than discretionary or informal considerations. Integrity assessments should focus on matters directly relevant to judicial office, such as conflicts of interest, serious misconduct, corruption or other conduct incompatible with the exercise of judicial functions. It is essential that oversight mechanisms ensure that integrity checks cannot be instrumentalized to exclude candidates on political, ideological or other improper grounds, while maintaining appropriate safeguards for privacy and due process.

Principle 6: Objective and pre-established criteria applied fairly

Guideline

53. Criteria governing selection and appointment to judicial office should be defined in advance, framed in objective and sufficiently specific terms, made publicly accessible and legally binding and applied fairly through evidence-based assessment methods. Criteria should not be altered mid-process, nor displaced in practice by discretionary judgments.

Normative content

54. The first safeguard lies in the normativity of the criteria themselves. European bodies have long insisted that authorities responsible for judicial selection and appointments should introduce, publish and give effect to objective, pre-established criteria and methods for assessment capable of verification and scrutiny, including through the assessment of candidates’ work and conduct based on relevant, ascertainable information.²³ The insistence on rigour and transparency in method is integral to securing the most qualified candidates and to maintaining public confidence in the judiciary.

55. Objectivity also requires precision. Criteria should be sufficiently specific to prevent recourse to subjective interpretation or their use as exclusionary filters, including through reliance on stereotypes. By contrast, requirements that are clearly articulated and objectively verifiable (for example, professional qualification thresholds or integrity checks grounded in specified indicators) are more compatible with international standards, provided that they are set out in regulatory instruments that secure compliance and enforceability. Experience thresholds should be calibrated to the office in question: what may be appropriate entry-level requirements are likely inadequate for apex or leadership roles.

56. Finally, objectivity does not exclude contextual adaptation, but it should constrain it. Where structural concerns call for tailored solutions, including in very small jurisdictions with limited pools of qualified candidates or contexts where structural exclusion or discrimination impacts some candidates’ opportunities, any departure from general criteria should be regulated and based on specified reasons and tightly framed so that flexibility does not become a vehicle for unbounded discretion or arbitrariness.²⁴

²² Consultative Council of European Judges, Opinion No. 21 (2018), para. 28.

²³ European Court of Human Rights, *Guðmundur Andri Ástráðsson v. Iceland*, Judgment, para. 221.

²⁴ Venice Commission, Opinion No. 695/2012, document CDL-AD(2013)018, para. 86.

Recommendations

57. States should establish the objective criteria governing judicial office and appointments in law or binding regulations. Once a vacancy has been announced, those criteria should remain fixed for the duration of the process so that candidates are assessed on the basis of stable and pre-established standards rather than criteria adjusted during the course of the selection.

Principle 7: Diversity and representativeness*Guideline*

58. Ensuring that the judiciary reflects the diversity of a country's population is integral to equality and meaningful access to justice. Non-discrimination in access to the judiciary is mandated by human rights law, and substantive equality requires that specific steps be taken to ensure judicial diversity. A representative judiciary strengthens the legitimacy and public credibility of courts. Appointment frameworks should therefore be designed to advance substantive equality and inclusive participation through lawful and transparent measures, while ensuring that selection and appointment remain merit-based.

Normative content

59. Selection frameworks should be designed and applied so as to ensure, within the criteria and procedures for selection, that the composition of the judiciary reflects the diversity of society. In particular, States must ensure that groups experiencing current or historical discrimination or exclusion, or which are underrepresented, including women, minorities, Indigenous Peoples, people of African descent, persons with disabilities, LGBT+ persons and other groups protected by human rights law, are able to achieve adequate representation.

60. Diversity measures, including temporary special measures, targeted policies and, where justified, quotas, may legitimately be adopted provided that they are compatible with suitability requirements and do not function as a pretext for arbitrariness or a diversion from merit.

61. Conversely, eligibility conditions must be scrutinized for indirect exclusion. For example, nationality and age requirements have generally been accepted by international bodies, but broad health or disability clauses, especially when framed in stigmatizing terms, are incompatible with human rights standards and risk operating as unlawful barriers. Language requirements may serve a legitimate function, but overly rigid thresholds can unnecessarily reduce the pool of candidates. Cultural expectations built on gendered assumptions, such as about caregiving or parental leave, should play no role in selection or appointment processes.

Recommendations

62. States should ensure that merit criteria include skills relevant to competence in diverse settings. They should adopt sustained measures to broaden the pool of qualified candidates for judicial office and address structural barriers that limit participation by underrepresented groups. This includes investing in long-term pipeline initiatives, mentorship and professional development programmes and admitting as candidates legal professionals whose experience may not traditionally have led to judicial appointment. Where persistent disparities exist, States may adopt lawful affirmative mechanisms, including temporary special measures, provided that they are transparent, proportionate and compatible with merit-based selection.

63. Appointment frameworks should also ensure that bodies responsible for recruitment and selection reflect diversity and include members drawn from different social backgrounds, so as to reduce the risk that evaluation processes reproduce entrenched biases. States should work with civil society organizations and experts with relevant knowledge to regularly review eligibility requirements, evaluation methods and career structures to identify indirect barriers to participation and, using a human rights-based approach to data, should collect and publish disaggregated data on applications and appointments in order to monitor progress towards a judiciary that reflects the diversity of the society that it serves.

Principle 8: Impartiality rules for selection and appointment

Guideline

64. Judicial appointment frameworks should ensure that persons selected for judicial office are free of unacknowledged conflicts of interest, inappropriate political entanglements or other circumstances that could reasonably call their impartiality into question. Selection and appointment systems should include clear, legally prescribed and proportionate rules on incompatibilities, disclosure of relevant interests and, where justified, restrictions or cooling-off periods relating to prior political functions or activities, in order to prevent partisan capture and other forms of undue influence over the judiciary.

Normative content

65. Incompatibility rules at the appointment stage form part of the institutional safeguards of judicial independence. They are justified insofar as they protect the integrity of the selection process and reduce the risk that candidates may be appointed despite ties, interests or dependency relationships capable of compromising, or appearing to compromise, their independence and impartiality. Such rules should be capable of dispelling reasonable doubts, at the time of appointment, as to a candidate's ability to exercise judicial functions free from external influence and with the impartiality required of judicial office.

66. Eligibility restrictions, including disqualifications based on incompatible offices or functions, requirements of disclosure and, where necessary, prospective or retrospective cooling-off periods relating to political activity, should be prescribed by law and formulated with sufficient clarity and precision to limit discretion. Provisions that defer the definition of relevant incompatibilities or exceptions to future legislation, without indicating their scope, create a risk of selective or arbitrary application. Proportionality also requires that such rules not be drawn so broadly as to exclude judicial candidates on the basis of lawful and low-risk activities unrelated to judicial impartiality.

67. An assessment should be carried out to determine whether, in the particular social and institutional context, a candidate's prior affiliations, roles, conduct or interests could lead a reasonable and informed observer to question that candidate's independence or impartiality if appointed. This may justify restrictions relating to certain political functions, partisan roles or other activities closely connected to the exercise of public or private influence, provided that the restrictions remain objectively justified and proportionate to the office concerned.

68. To avoid being weaponized, relevant regulations must be precisely drafted and proportionate. Overly long cooling-off periods may unduly narrow the pool of candidates, especially in smaller jurisdictions, while vague formulas such as those against being "actively engaged in a party" invite selective enforcement to exclude some candidates and should be clarified through objective criteria.²⁵

69. Transparency at the appointment stage should support these safeguards. Appointment frameworks should ensure an appropriate degree of disclosure regarding affiliations, interests or prior functions that may bear on a candidate's impartiality, while respecting legitimate limits related to privacy, freedom of association and other protected rights.

Recommendations

70. States should establish clear incompatibility, disclosure and cooling-off rules governing judicial appointments in order to prevent conflicts of interest and safeguard the appearance and reality of impartiality. Appointment frameworks should define, in advance and in objective terms, which interests, affiliations, functions or prior activities are relevant to eligibility or appointment and should ensure that any resulting restrictions are lawful, proportionate and capable of being reviewed.

²⁵ Venice Commission, Opinion No. 1110/2022, document CDL-AD(2022)050, para. 33.

C. Judicial selection and appointment process

Principle 9: Transparency of the selection and appointment process

Guideline

71. Judicial selection and appointment processes, particularly for the highest positions or when conducted by other branches of government, should be transparent at their key stages. Transparency requirements must enable public scrutiny by civil society, sustain confidence and reduce the space for arbitrariness, while respecting legitimate limits required to protect the proper administration of justice and candidates' rights, including privacy. Accordingly, States should issue, in advance and publicly, calls for applications and procedures setting out the requirements, criteria and deadlines, so that any person who considers that they meet the requirements may apply for relevant judicial posts.

Normative content

72. Human rights bodies converge on a basic premise: judicial selection and appointment must be conducted through processes that are transparent and impartial, grounded in objective criteria and sufficiently open to scrutiny to deter arbitrariness and undue interference and to sustain public confidence.²⁶

73. Transparency begins with access: vacancy notices, terms of reference, eligibility requirements, selection criteria and deadlines should be published in advance in a manner that is broad, clear and timely enough that the opportunity to apply is real and equal, rather than contingent on informal networks or privileged access.²⁷

74. Transparency cannot be reduced to posting rules while keeping the decisive stages opaque. The process must be intelligible and reviewable: key determinations should be open to scrutiny, and decisions (including those affecting shortlisting, selection and appointment) should be reasoned to the extent necessary to constrain discretion and to permit meaningful challenge. Human rights bodies have criticized appointment systems marked by a lack of transparency and a lack of reasoning.²⁸

75. Public hearings or interviews may strengthen accountability and openness, particularly for senior appointments, but only if they are adequately prepared, tied to pre-established criteria and insulated from partisan performance. Public access to candidates' curricula vitae and opportunities for civil society input in hearings are strongly encouraged.

76. Importantly, the objective is not maximal disclosure at any cost. Certain modalities, such as requiring public reasons for affirmative votes, may create risks of pressure or disqualification concerns, and disclosure rules should be designed to build trust without exposing candidates or decision makers to unnecessary pressure, privacy intrusions or reputational harm. Similarly, publication of evaluation outcomes should be structured so that results are knowable and contestable without turning assessments into instruments of reputational harm; in some contexts, publishing the results (e.g. pass/fail) while limiting access to granular testing detail (e.g. specific scores) may strike a more appropriate balance. This is especially relevant to current members of the judiciary.

77. Finally, transparency is undermined not only by secrecy but also by procedural overcomplexity. Systems that multiply actors and steps without clarity may create the appearance of openness while in fact increasing the incentives for informal arrangements; the process should therefore be sufficiently legible, recorded and reasoned to allow traceability of key decisions, without becoming so intricate that it becomes fertile ground for cronyism or corruption.

²⁶ [CCPR/C/LVA/CO/4](#), para. 32; and [A/HRC/44/47/Add.2](#), paras. 100 and 111.

²⁷ [A/HRC/44/47/Add.2](#), paras. 30 and 31; Inter-American Court of Human Rights, *Reverón Trujillo v. Venezuela*, Judgment, 30 June 2009, paras. 72 and 73; and Venice Commission, Opinion No. 712/2013, document CDL-AD(2014)008, para. 76.

²⁸ See [CCPR/C/MKD/CO/3](#) and [A/HRC/47/15](#).

Recommendations

78. States should ensure that judicial appointment processes are sufficiently transparent to allow for meaningful scrutiny and public confidence. At a minimum, this should include advance public notice of vacancies, the publication of eligibility requirements and selection criteria, and clear information on the procedures and timelines governing the process. Where appropriate, shortlists of candidates should be made public, and final decisions should be accompanied by reasons explaining how the criteria were applied. Records of the principal stages of the process should be preserved and accessible so that the integrity of the procedure can be verified and reviewed in accordance with law.

Principle 10: Equality of access and non-discrimination*Guideline*

79. Judicial selection and appointment processes should secure the right of access to public service on the basis of equality and should be designed and applied so that all eligible candidates can compete on equal terms, without discrimination or arbitrary distinctions.

Normative content

80. Equality of access is not ancillary to judicial independence; it is part of its institutional guarantees. Appointment frameworks should therefore combine merit-based selection with procedures that ensure equal opportunity to enter and seek elevation or promotion within the judiciary, through open competition and without arbitrary unequal treatment. Criteria that distinguish among candidates should be related to the requirements for the position, objectively defined and consistently applied. Distinctions that operate as disguised exclusions or that expand discretion at the expense of equal conditions are incompatible with the duty to conduct selection processes under conditions of equality and without discrimination.

Recommendations

81. States should treat equality of access as a matter of design and accountability. Appointment systems should be subject to periodic equality impact assessments, supported by the systematic collection and publication of disaggregated data on applications, shortlisting and appointments. States should also ensure that reasonable accommodation is available in practice and enforceable, so that disability or other protected characteristics do not constitute de facto barriers to entry.

Principle 11: Interviews and assessment methods*Guideline*

82. Assessment methods, including interviews, should be designed to identify merit through procedures that are objective, consistent and traceable.

Normative content

83. Interviews can support merit-based assessment, but only if they are structured rather than functioning as an unguided space for preference: they should be scored on pre-established criteria, conducted under equal conditions (including comparable questioning) and recorded so that the process is transparent and the outcome can be justified.

84. Written assessments may strengthen objectivity by testing knowledge and skills in a verifiable manner; if used, the results should play a meaningful role in the final decision. A mixed model combining written testing with structured interviews may better reconcile technical competence with the appraisal of professional qualities and experience. Written examinations may be especially relevant to secure quality and to broaden access to the judiciary at its lower levels, including by reducing the weight of informal networks. Such examinations often assess legal knowledge, capacity for analysis and writing, and applied legal reasoning. Higher-level appointments may legitimately place greater emphasis on demonstrated professional record, if the evaluative method remains objective and reasoned. Across models, the central guarantees against arbitrariness remain the codification and

transparency of the procedure and the requirement of reasoned appointment decisions. For senior roles, adequately prepared public hearings or interviews may strengthen openness and accountability if conducted in a way that safeguards the fairness of the process and prevents the conversion of evaluation into political contestation.

Recommendations

85. States should ensure that interviews and other assessment methods are structured, criteria-based and conducted under equal conditions for all candidates. Recent experience has demonstrated the value of applied reasoning assessments, such as case studies or simulated judgment writing. Appropriate safeguards should prevent any interview process from becoming excessively mediatized or politicized in ways that compromise fairness or the integrity of the evaluation. Appointment bodies should maintain records of interviews and assessments sufficient to allow the process to be reviewed if necessary.

Principle 12: Decision-making and reasons

Guideline

86. Decisions on judicial selection and appointment should be based on pre-established criteria and be reasoned and recorded in a manner that enables scrutiny and effective review and reinforces the legitimacy and public confidence required for an independent judiciary.

Normative content

87. Appointment decisions must be taken by weighing candidates against criteria set in advance and must be reasoned to prevent arbitrariness and enable scrutiny. Where an assessment body evaluates candidates, it should state the reasons for its assessments, and the candidate concerned should be able to challenge them before a competent body. Records of deliberation and decision should be kept to ensure traceability and to allow for meaningful review, including by courts or competent review bodies. Publicity should be limited but meaningful: to the extent compatible with legitimate confidentiality interests, recommendations and reasons for selection should be made accessible so that the process is intelligible and capable of sustaining public confidence; conversely, opacity and an absence of reasons undermine the possibility of review and the credibility of the process.

Recommendations

88. States should require appointment bodies to provide written reasons that demonstrate how the pre-established criteria were applied. Where publication is appropriate, reasons should be disclosed with proportionate redactions to protect privacy and other legitimate interests. Core records should be archived and preserved to ensure traceability and enable effective review.

Principle 13: Timing and assumption of office

Guideline

89. Appointment frameworks should ensure legal certainty and institutional continuity by providing that appointments are made lawfully and that those appointed assume office within a reasonable time frame. Vacancies must not produce institutional vacuums, and the transition from selection to appointment and installation must not be left open to ad hoc or politically brokered timelines.

Normative content

90. The assumption of judicial office is not a mere administrative formality. It marks the completion of the “adequate appointment process” recognized in international standards as an essential step towards establishing judicial independence.²⁹ Delays in establishing courts, filling vacancies or enabling appointed judges to take up office can create a legal vacuum, leaving courts without judges for prolonged periods. This weakens their institutional function and generates acute risks for access to justice. Delays also create conditions in which “provisional” measures by the executive, legislative or judicial branch are justified as necessary but operate as levers of manipulation over appointments, amounting to interference incompatible with judicial independence.³⁰

91. Legal frameworks should therefore prescribe a clear, non-discretionary sequence from selection to formal appointment and swearing-in, backed by defined time limits for assumption of office and tightly confined transitional mechanisms that cannot be used to suspend ordinary safeguards or reopen completed outcomes.³¹ Continuity is secured not by improvisation but by rules that make completion obligatory and reversible only on grounds and through procedures established in advance.³²

Recommendations

92. States should establish clear timelines for each stage of the appointment process and ensure that responsible authorities are accountable for compliance. They should also publish data on vacancies and the time required to fill them in order to monitor delays and promote institutional transparency.

Principle 14: Methods of contesting appointments*Guideline*

93. States should ensure effective avenues to challenge irregularities in judicial selection and appointment processes. Such mechanisms should be independent, accessible and capable of providing timely and effective redress, so that judicial independence is protected in practice and legality in appointments is guaranteed in practice.

Normative content

94. The integrity of appointment systems depends not only on strong ex ante design but also on the availability of remedies for procedural errors. Where final appointment decisions are barred from judicial review, the proposing body’s acts or proposals may be the only point at which the legality of the process can be meaningfully assessed. Remedies must be effective in substance: a mechanism that is “devoid of any real effectiveness” and offers only the “appearance of a judicial remedy” does not satisfy the guarantee of judicial protection.³³

95. Comparative guidance converges on two points. First, decisions taken by appointment bodies should not be insulated from scrutiny. Where such decisions determine access to judicial office under legally defined conditions, they constitute reviewable acts to ensure compliance with prescribed procedure, the application of objective criteria and the adequacy of reasons.³⁴ Second, systems must be designed to prevent the tactical use of review in bad

²⁹ Inter-American Court of Human Rights, *Reverón Trujillo v. Venezuela*, Judgment, 30 June 2009, paras. 71–74.

³⁰ African Court of Human and Peoples’ Rights, *Samia Zorgati v. Republic of Tunisia*, Application No. 016/2021, Judgment, 13 November 2024, para. 86.

³¹ See, e.g., Lilongwe Principles and Guidelines on the Selection and Appointment of Judicial Officers, para. 3.9.

³² See Inter-American Court of Human Rights, *Apitz Barbera et al. (“First Court of Administrative Disputes”) v. Venezuela*, Judgment, 5 August 2008.

³³ Court of Justice of the European Union, Case C-824/18, *A.B. and Others v. Krajowa Rada Sądownictwa*, Judgment, 2 March 2021, paras. 157 and 158.

³⁴ Venice Commission, Opinion No. 1015/2021, document CDL-AD(2021)015, paras. 69 and 70; and Opinion No. 1233/2025, document CDL-AD(2025)021, para. 47.

faith as a means of inducing institutional paralysis. Where review would allow strategic capture or sustained obstruction of appointments, anti-deadlock mechanisms may be essential.³⁵

96. Remedies must also be compatible with the stability that judicial independence requires. The capacity to reopen and reverse appointments to high judicial office, without a reasonable time limit, can place judges in persistent legal uncertainty and create “a constant threat of the possibility of being removed from their functions at any time”.³⁶ Where serious irregularities are established, the legal system must be able to impose consequences that protect the right to a tribunal established by law. Judgments may need to be nullified as a remedial measure in cases where outcomes have been materially impacted by decisions taken by judges who do not meet the requirements of an independent and impartial tribunal established by law.³⁷

Recommendations

97. States should ensure that judicial or constitutional review is available for irregularities in selection and appointment processes that have had a material impact on the outcome. Such review should be time-limited and have immediate suspensive effect where required. Remedies should be capable of addressing the consequences of material procedural defects, but narrowly drawn to ensure legal certainty. Safeguards should be included to ensure that applications for review cannot be used as a tactic to stymie the appointment process, and anti-deadlock mechanisms should be used where needed. Issues uncovered in multiple review proceedings should be addressed at a systemic level.

Principle 15: Public participation

Guideline

98. Judicial selection and appointment processes for apex courts and tribunals (supreme courts and constitutional tribunals) should be open to scrutiny, including through structured opportunities for civil society and other relevant stakeholders to access information, present reasoned observations and raise well-founded concerns that would tangibly inform the assessment of candidatures. If conducted in ways that strengthen deliberation, transparency and accountability, such public participation can enhance public confidence without politicizing the process.

Normative content

99. International standards treat civil society participation as a safeguard against uncontained discretion and improper influence. The Inter-American Commission on Human Rights has stressed the value of opening appointment procedures to scrutiny by social sectors, including through mechanisms, such as well-structured public hearings or interviews, that allow the public, non-governmental organizations and other interested actors to understand the criteria, submit relevant information and voice substantiated concerns or support.³⁸

100. Participation mechanisms must, however, be designed with caution. Where civil society representatives are integrated into selection stages, the conditions of their appointment and operation should be defined in advance, based on transparent and competitive procedures, and avoid political involvement.

³⁵ Venice Commission, Opinion No. 1148/2023, document CDL-AD(2023)039, para. 50; and Opinion No. 928/2018, document CDL-AD(2018)015, para. 43.

³⁶ Inter-American Court of Human Rights, *Constitutional Tribunal (Camba Campos et al.) v. Ecuador*, Judgment, 28 August 2013, para. 179.

³⁷ Court of Justice of the European Union, Case C-487/19, W.Ż., Judgment, 6 October 2021, paras. 155–161, in particular paras. 160 and 161; and Venice Commission, Opinion No. 1238/2025, document CDL-AD(2026)002.

³⁸ Inter-American Commission on Human Rights, *Guarantees for the Independence of Justice Operators: Towards Strengthening Access to Justice and the Rule of Law in the Americas* (2013), document OEA/Ser.L/V/II. Doc.44, paras. 81 and 82.

Recommendations

101. States should institutionalize structured opportunities for civil society participation in judicial appointment processes, supported by adequate transparency regarding procedures, criteria and candidate information. Participation mechanisms should respect due process for candidates and decision makers and include safeguards against abuse, harassment and politicized obstruction. States should also ensure that participation frameworks are meaningful, inclusive and accessible so that a broad range of social actors can engage in a meaningful and responsible manner.
