LADY CHIEF JUSTICE OF NORTHERN IRELAND

'RULE OF LAW IN PERSPECTIVE' SERIES

SESSION 2 – UNDERMINING THE RULE OF LAW

INN OF COURT, ROYAL COURTS OF JUSTICE, BELFAST

5TH MARCH 2026

OPENING REMARKS

Good afternoon.

It is a pleasure to welcome you to the second session of the Rule of Law in Perspective Series. When we gathered at the Inn of Court in November to launch this programme, I spoke about the importance of beginning with a shared understanding of what we mean by "the rule of law," and why it matters. With that foundation in mind in today's session we are shifting our focus to consideration of the factors that have the potential to undermine the rule of law.

I emphasised at our launch event that this series has been designed to bring together a range of perspectives, from the judiciary, the legal profession, journalists, politicians, and others, so that our discussions reflect both the complexity of the issues and the collective responsibility we share for addressing them. I am pleased to say that we have a panel of esteemed and experienced individuals from each of these fields to lead us in our discussions this evening. Each panel member will share with us their own unique reflections and lived experiences of the factors that have the potential to undermine the rule of law and the extent to which they have witnessed those factors within their working lives. There will also be an exploration of the serious consequences which may arise if it is undermined.

Before we hear from our panel members I would like to share some metrics to set the context for our discussions followed by some of my own thoughts and reflections on this evening's theme.

The World Justice Project's 2025 Rule of Law Index highlights that for the eighth year in a row we are experiencing a continuing global rule of law recession. This index measures a country's adherence to the rule of law from the perspective of ordinary individuals and their experiences with the rule of law in their societies. The UK is ranked 14th out of the 143 countries within the Index.

What does this mean? It means that whilst we are working hard to uphold the rule of law there is still more work to be done and room for improvement.

One of the themes I highlighted at the launch was that the rule of law is not a fixed or abstract structure. It is, as I said then, and as I have already said today, a shared responsibility that relies on the actions and integrity of every part of the justice system. The courts interpret and apply the law, but the health of the rule of law depends just as much on the quality of legal representation, on the role of journalists in providing accurate information, on the work of public authorities, and, importantly, on the public's own confidence in the system.

Should there be any weak links in this chain it can risk undermining the rule of law.

Here in our own jurisdiction and further afield a challenge we are facing is unfair criticism of judges and their decisions. Of course, robust debate about what happens in the courts is a sign of a healthy democracy, however commentary must be well-informed otherwise it can have a corrosive impact on public confidence in the rule of law, particularly in an age where so many people rely on a headline or a 280 character post for information. The role of accurate, informed and responsible reporting is paramount in countering such challenges.

Judicial independence is the cornerstone of the rule of law. In order to perform their role judges must be free from the influence of government, central and local; of public and parliamentary opinion; of political parties and pressure groups; of the media; and of their own colleagues. They must not allow anybody or anything to deflect them from deciding cases on anything other than the legal and factual merits.

Last year I welcomed the opportunity, along with the heads of judiciary in England and Wales and in Scotland, to set out our joint view on judicial independence as a

fundamental tenet of the rule of law in response to the call to evidence by the House of Lords Constitution Committee's inquiry into the rule of law. We emphasised the importance of judges being able to decide cases free from influence. We also outlined the physical threats judges can face.

To quote from the final paragraph of our statement:

> "For many years, the physical security of judges in Northern Ireland has been under threat. Across all three jurisdictions, recent years have seen a significant increase in online abuse of judges and of threats to their physical security and that of others who work in the courts … While judges remain committed to adhering to their judicial oath, threats to physical security and hostile commentary naturally cause distress and worry. Such attempts to intimidate members of the judiciary pose a grave challenge to the rule of law, and, ultimately threaten the strength of our democracy."[1]

Government ministers and those with responsibility for the administration of justice also have a particular duty to lead by example to maintain the public's confidence in judges' ability and integrity. They must be circumspect when discussing cases before the courts and must defend judges from hostile comments from those who would attack our motives.

This leads me to the importance of transparency. A lack of transparency in legal decision making risks undermining the rule of law. Justice must be done and be seen to be done. Judges hear cases in open court, their judgments are public records, and their decisions can be appealed. Increasing the transparency of our processes further is something I have been focused on over the last number of years. I mentioned at our last session that I introduced the Media in Family Courts Pilot which allows for media reporting of selected family law cases that are before the High Court. I believe it represents an important step towards enhancing public understanding of a jurisdiction often perceived as opaque or inaccessible. As I said in November, these

[1] Joint Statement on the Rule of Law – Written Evidence (ROL0027).

reforms are not about performance or publicity; they are about openness and helping people understand how justice is delivered.

I was also pleased to see that the Minister of Justice consulted last year about broadcasting in courts and I am hopeful that the necessary legislation will be passed in the next mandate. This followed the success of my "not-for-broadcast pilot" in the Court of Appeal in which we worked with broadcasters to film the delivery of judgments. The broadcasting of our senior courts will allow the public to better understand what we do and how judicial decisions are made, supporting the principle of open justice.

A lack of funding is also something which risks threatening the rule of law. Being a small jurisdiction, we face a number of challenges including funding, particularly where justice is concerned. The risk associated with underfunding the justice system has major ramifications for the provision of fair and expeditious justice for citizens including access to justice in the first instance, particularly for the most vulnerable in society.

I also want to briefly mention artificial intelligence which risks being a real threat to the rule of law in the modern age if not fully understood and used correctly. Just last week we saw how a personal litigant before the Employment Tribunal used AI to produce his witness statement in a disability discrimination case. The technology also misled the claimant by failing to understand the facts and application of a significantly important case relevant to his claim.[2] It is only through the regulation of artificial intelligence software and establishing effective checks and balances that we might safeguard the rule of law.

We have therefore much to talk about this evening. I have only but touched on a few areas. As we begin this second session, I want to thank all of you for your engagement and for the shared commitment you demonstrate by being here.

[2] 'Northern Ireland employment judge in AI warning', Irish Legal News, 24 February 2026.

I look forward to the contributions this evening and I hope that this session offers both insight and inspiration as we continue our work together.