



Position Paper
Assaults on judicial officers based on anti-institutional extremism

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**Presented by the International Union of Judicial Officers and the European Union of
Judicial Officers**

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Created in 1952, the purpose of the UIHJ is to represent its members to international organisations and ensure collaboration with national professional bodies. It works to improve national procedural law and international treaties and makes every effort to promote ideas, projects and initiatives which help to move forward and elevate the independent status of judicial officers.

In October 2019 the UIHJ published its position paper on the assaults on judicial officers and assistance of the State Authorities in enforcement proceedings. In this position paper, UIHJ already considered that aggression and violence against judicial officers should never be tolerated.

Despite, since 2019 there has been a clear increase in the violence and intimidation against judicial officers. Moreover, as part of a broader *anti-institutional extremism*, judicial officers nowadays are confronted with another phenomenon, the sovereigns. Within this ideology, the government and other institutions are seen as part of a “malicious elite” that conspires against citizens. Sovereigns turn their backs on the government and institutions such as the judiciary, enforcement authorities, traditional media and science. They consider a government illegitimate and therefore they do not have to comply to laws and regulations since such laws and regulations are invalid.

A 2024- analysis of the sovereign movement in the Netherlands by the National Anti-Terrorism and Security Coordinator (NCTV), General Intelligence and Security Service (AIVD) and the



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Police¹ concluded on this ideology: *Sovereign ideology undermines the democratic legal order by spreading factually incorrect messages that erode trust in the legislative, executive and judicial powers, the traditional media and science. This undermines the legitimacy of these institutions. It is not just a matter of the messages being factually incorrect. Widespread belief in such falsehoods fuels the inability to function as a society based on a shared understanding of reality.*

In the field of enforcement, the self-proclaimed sovereigns often refuse to comply with the financial and other obligations arising from court decisions and other enforceable documents.

Withdrawing from such obligations will mean in that the self-declared sovereigns will be faced with mounting debts, resulting in eviction, and severe other enforcement measures.

Information from our members clearly indicates that judicial officers are increasingly involved in incidents of aggression and intimidation when they come into contact with these sovereigns. These threats, intimidation and violence are expected to increase further as a result of mounting frustrations due to failure to meet financial and other obligations.

In several judgements, the European Court of Human Rights has considered enforcement and the role of enforcement agents a vital component of the rule of law² The principles of the rule of law demand a basic trust in the institutions within a democratic legal system while respecting those groups who think different. The intimidation and threatening of judicial officers, often seen as the representatives of the “malicious elite”, undermines such role of the judicial officer within a democratic legal system.

In this respect, the UIHJ considers, with reference to its 2019 position paper on the assaults on judicial officers and assistance of the State Authorities in enforcement proceedings that:

- State authorities (including police) should provide preventive assistance and guarantee assistance when requested;
- Acts of aggression and violence against judicial officers should result in the prosecution of the offender upon being reported by the judicial officer. Where the offender has violated the standards of good conduct, the police, the prosecution service and the

¹ Met de rug naar de samenleving (with the back to society), 2024, page 24

² Pini and others v. Romania, 22 June 2004, 78028/01, 78030/01



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judiciary should act consistently. National legislation should furthermore classify such acts as aggravating circumstances, resulting in enhanced criminal penalties.

- The judicial officer's protection demands a close cooperation between enforcement authorities, police, Ministry of Justice and other State authorities. (Joint) Training, raising awareness of possible signals and strengthening knowledge and skills is important to deal with the sovereign movement;
- Enforcement authorities should monitor developments in the field of aggression and intimidation, for example through the development of resilience trainings, the establishment of a contact point for reporting such acts of violence, conducting regular surveys among judicial officers and drawing attention to this issue among their members, partner organizations and in public debate;

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