



General Assembly

Distr.
LIMITED

A/HRC/12/L.7
25 September 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Twelfth session
Agenda item 3

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Argentina, Austria*, Belgium, Brazil, Bulgaria*, Chile, Costa Rica*, Croatia*,
Cyprus*, Czech Republic*, Denmark*, Estonia*, France, Germany*, Greece*,
Haiti*, Hungary, Ireland*, Israel*, Italy, Latvia*, Liechtenstein*, Lithuania*,
Luxembourg*, Malta*, Mexico, Netherlands, Norway, Panama*, Peru*,
Poland*, Portugal*, Romania*, Slovenia, Spain*, Sweden*, Switzerland*,
Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay:**
draft resolution

12/... Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Human Rights Council,

Guided by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and
articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing
in mind the Vienna Declaration and Programme of Action,

Recalling the Basic Principles on the Independence of the Judiciary, the Basic Principles
on the Role of Lawyers, the Guidelines on the Role of Prosecutors and the Bangalore Principles
of Judicial Conduct,

* Non-Member State of the Human Rights Council.

Convinced that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and the application of the rule of law and for ensuring a fair trial and that there is no discrimination in the administration of justice,

Recalling all the previous resolutions and decisions of the Commission on Human Rights, the Council and the General Assembly on the independence and impartiality of the judiciary and on the integrity of the judicial system,

Acknowledging the importance of the ability of the Special Rapporteur on the independence of judges and lawyers to cooperate closely, within the framework of his or her mandate, with the Office of the United Nations High Commissioner for Human Rights in the fields of advisory services and technical cooperation, in an effort to guarantee the independence of judges and lawyers,

Recognizing the importance of bar associations and professional associations of judges and non-governmental organizations in the defence of the principles of the independence of judges and lawyers,

Noting with concern the increasingly frequent attacks on the independence of judges, lawyers and court officials,

Reaffirming also Council resolution 8/6 of 18 June 2008 on the mandate of the Special Rapporteur on the independence of judges and lawyers,

1. *Notes with appreciation* the report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/11/41), including on the main recent developments in the area of international justice, and invites all Governments to seriously consider the conclusions and recommendations expressed therein;

2. *Commends* the previous Special Rapporteur, for the important work undertaken in the discharge of his mandate;

3. *Notes with interest* the analysis of individual and institutional parameters elaborated by the Special Rapporteur in his report for effectively guaranteeing the independence of the judiciary;

4. *Requests* the Special Rapporteur to elaborate safeguards to ensure and strengthen the independence of lawyers, including public defenders where appropriate, as a guarantee in the protection of human rights and the rule of law;

5. *Encourages* States to promote diversity in the composition of the members of the judiciary and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory;

6. *Calls upon* all Governments to respect and uphold the independence of judges and lawyers and, to that end, to take effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional duties without harassment or intimidation of any kind;

7. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

8. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges States to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations so as to enable her to fulfil her mandate even more effectively;

9. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement this principle further, to consult and to consider the services of the Special Rapporteur, for instance by inviting her to their country if the Government concerned deems it necessary;

10. *Decides* to continue consideration of this issue in accordance with its annual programme of work.
