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HUMAN RIGHTS COUNCIL

Eighth session

Agenda item 3

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

**Albania*, Argentina*, Austria*, Belgium*, Bosnia and Herzegovina, Brazil,
Bulgaria*, Canada, Chile*, Costa Rica*, Croatia*, Cyprus*, Czech Republic*,
Denmark*, Estonia*, Finland*, France, Germany, Greece*, Honduras*,
Hungary*, Iceland*, India, Ireland*, Israel*, Italy, Japan, Latvia*,
Liechtenstein*, Lithuania*, Luxembourg*, Malta*, Mexico, Montenegro*,
Netherlands, New Zealand*, Norway*, Panama*, Peru, Portugal*, Romania,
Serbia*, Slovakia*, Slovenia, Spain*, Sweden*, Switzerland, The former
Yugoslav Republic of Macedonia*, Turkey*, United Kingdom of Great Britain
and Northern Ireland, Uruguay: draft resolution**

8/... Mandate of the Special Rapporteur on the independence of judges and 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,*

* Non-member State of the Human Rights Council.

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,

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 for ensuring that there is no discrimination in the administration of justice,

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

Acknowledging the importance of the Special Rapporteur's ability 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,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of his mandate;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(a) To inquire into any substantial allegations transmitted to him or her and to report his or her conclusions and recommendations thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations, including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To identify ways and means to improve the judicial system, and make concrete recommendations thereon;

(d) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers and court officials;

(e) To apply a gender perspective in his or her work;

(f) To continue to cooperate closely, while avoiding duplication, with relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(g) To report regularly to the Council in accordance with its programme of work, and annually to the General Assembly;

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

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

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance to the Special Rapporteur necessary for the effective fulfilment of his or her mandate;

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