

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION (IDLO)

41ST SESSION OF THE HUMAN RIGHTS COUNCIL: INTERACTIVE DIALOGUE WITH THE
SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS

Room XX, Palais des Nations

June 24, 2019

Geneva

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Permanent Delegation to the UN and other International Organizations in Geneva

Check Against Delivery

Thank you, Mr. President.

The International Development Law Organization, IDLO, welcomes the reports of the Independent Expert on sexual orientation and gender identity and of the Special Rapporteur on the independence of judges and lawyers.

As the only intergovernmental organization exclusively devoted to promoting the rule of law, we collaborate closely with the Special Rapporteur on the independence of judges and lawyers and support his Mandate.

IDLO commends the Special Rapporteur for providing guidance on the exercise of the rights to freedom of expression, association and peaceful assembly by judges and prosecutors, and appreciates the report's references to judges and prosecutors' prerogatives to speak out in defense of fundamental human rights and the rule of law, and to the duty of judges to speak out in favor of the constitutional order and the restoration of democracy in situations where democracy and the rule of law are under threat (paragraphs 69, 90 and 102).

It is clear that an accountable, independent and impartial judiciary is essential to ensuring the rule of law and good governance, building and maintaining citizens' confidence in their institutions and, in turn, stable and peaceful societies (paragraph 72), as envisaged in Sustainable Development Goal (SDG) 16.

In its work on the ground with governments and civil society in every region of the world, IDLO helps to develop and strengthen capacity of the justice and legal sectors, providing sectoral solutions and support for legal reforms in line with international standards and national contexts and needs, and encouraging peer-to-peer learning and regional networking.

IDLO appreciates the Special Rapporteur's efforts to advance international and regional standards, as elaborated in paragraphs 10-27 of the report, including taking into account the jurisprudence of regional human rights courts and mechanisms on the exercise of fundamental freedoms by judges and prosecutors. The Report notes that judges and prosecutors are entitled to exercise their rights to freedom of expression, belief, association and assembly on an equal basis with others, with only restrictions that appear necessary in a democratic society to maintain both the authority of the judiciary or the

public prosecution, and the independence and impartiality of individual judges and prosecutors.

We wish to call attention, in particular, to the Special Rapporteur's recommendations in paragraphs 93-95 which call on governments, legislatures and professional associations of judges and prosecutors to include specific provisions recognizing the exercise of fundamental freedoms by judges and prosecutors in national legislation, codes of conduct, and guidelines.

We would like to take this opportunity to ask the Special Rapporteur if he might elaborate on paragraph 96 of the Report, recommending that judges and prosecutors should receive adequate training on unified ethical principles relating to the exercise of their fundamental freedoms. How can we strengthen and support this important area?

Thank you.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.