



Human Rights Council, 31st session

Agenda Item 6: General Debate – Universal Periodic Review (18 March 2016)

Mr President,

The International Bar Association's Human Rights Institute (IBAHRI) released this week its report on the 'Role of the UPR in advancing human rights in the administration of justice'. The report assesses more than 38,000 recommendations made between 2008 and 2014 for references to the legal profession.

The report's key findings include:

UPR recommendations still insufficiently address the role of judges, lawyers and prosecutors, or the threats they face, as extensively documented by the Special Rapporteur on the Independence of Judges and Lawyers. Significantly, these recommendations often make no reference to relevant UN standards.

Recommendations relating to the independence of judges are often too vague to be an effective response to the shortcomings of any given jurisdiction. Serious issues in the appointment and removal of judges are mostly ignored.

The independence of lawyers was considered in fewer than 100 of the 38,000 UPR recommendations.

Prosecutorial independence is addressed in less than 10 per cent of the recommendations calling upon States to effectively investigate or prosecute rights violations.

Guarantees for legal professionals' rights to freedom of expression, assembly and association are barely addressed. This fails to reflect the key role that self-governing organisations of legal professionals should play in upholding human rights and the rule of law, the independence of the legal profession and law reform processes.

As international organisations of legal professionals, we foster the engagement of the legal profession in UN human rights mechanisms and in monitoring the implementation of UPR recommendations.

We call upon the Human Rights Council, as well as States, to ensure that in the third cycle of the UPR, the role of judges, lawyers, and prosecutors receives the heightened attention that it is due, as recognised by the UN Basic Principles on the independence of the judiciary, the UN Basic Principles on the role of lawyers and the UN Guidelines on the role of prosecutors.

Thank you, Mr President

The following organisations have endorsed this statement:

Commonwealth Magistrates' and Judges' Association

Commonwealth Lawyers Association

International Bar Association's Human Rights Institute

International Commission of Jurists

Judges for Judges

Lawyers for Lawyers

Southern Africa Litigation Centre

This statement was delivered by :

Dr Phillip Tahmindjis, Director, International Bar Association's Human Rights Institute

For further information on the IBAHRI report on *'The role of the UPR in advancing human rights in the administration of justice'*, please contact :

Dr Helene Ramos dos Santos, UN Liaison, International Bar Association's Human Rights Institute
helene.santos@int-bar.org

The report is available at : <http://tinyurl.com/gr525sq>