

1989/32. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by the principles embodied in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Recalling Economic and Social Council decision 1980/124 of 2 May 1980, by which the Council took note of Commission resolution 16 (XXXVI) of 29 February 1980, recommending the appointment of a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Convinced that an independent and impartial judiciary is an essential prerequisite for ensuring that there shall be no discrimination in the administration of justice,

Aware that adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession,

Recalling General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed, inter alia, the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also General Assembly resolution 40/146 of 13 December 1985, in which the Assembly invited Governments to respect the Basic Principles and to take them into account within the framework of their national legislation and practice, and encouraged the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in giving further consideration to the question of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, to take the Basic Principles into account,

Recalling further General Assembly resolutions 41/149 of 4 December 1986, 42/143 of 7 December 1987 and 43/153 of 8 December 1988 on human rights in the administration of justice,

Recalling further its own resolution 1987/33 of 10 March 1987, in which it requested the Secretary-General to ensure close co-operation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs on matters relating to human rights in the administration of justice,

Having regard to the draft procedures for effective implementation of the Basic Principles on the Independence of the Judiciary recommended by the Committee on Crime Prevention and Control (E/1988/20, chap. I, sect. A, draft resolution V) for adoption by the Economic and Social Council,

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