

## Human Rights Council – 38th Session

Clustered Interactive Dialogue Working Group on transnational corporations and human rights and the Special Rapporteur on the independence of judges and lawyers  
21 June 2018

### Australian Statement

Australia thanks the experts for their presentations, and was pleased to contribute to both reports.

On the independence of judges and lawyers, Australia agrees with the Special Rapporteur that the independence of the judiciary critically underpins a strong, fair and cohesive society, and believes it is incumbent upon States to ensure and respect this independence.

In Australia, this independence is guaranteed under the Constitution. The separation of powers doctrine (particularly the separation of judicial power from executive and legislative power) contained in the Australian Constitution is an essential feature of our system of government. Constitutional guarantees of tenure and remuneration also assist in securing judicial independence.

Good governance, effective institutions and the rule of law (including judicial independence) are essential for promoting and protecting human rights. Rule of law facilitates confidence in the legal profession and judicial systems and provides for independence, impartiality, openness and transparency.

Australia works in partnership with states across our region, including the governments of Papua New Guinea, Solomon Islands and Vanuatu, to strengthen the capacity of their core law and justice agencies to deliver better services in crime prevention, policing, prosecutions, legal aid, and legal policy development. In some countries, this capacity development assistance extends to courts and Ombudsman's offices.

Special Rapporteur, how can States best support law and justice agencies to ensure judicial independence?

**220 Words**