



Law Council
OF AUSTRALIA



Human Rights
Institute

United Nations Human Rights Council 51st Session

Agenda Item 3: General Debate – Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Oral Statement

20 September 2022

The Law Council of Australia and the International Bar Association's Human Rights Institute are concerned by the escalating judicial and constitutional crisis in Kiribati.

In the past four months, the Government of Kiribati has suspended the judges of Kiribati's High Court and Court of Appeal – disabling both superior courts of record.

We are deeply troubled by the lack of transparency regarding the membership and procedure of disciplinary tribunals established to investigate alleged judicial misconduct, and the impact of these suspensions on the rule of law and access to justice in Kiribati. The rule of law – supported and administered by fair, effective and accountable justice institutions – is vital to the protection and fulfilment of all human rights.

As a member of the Commonwealth, Kiribati has agreed to uphold the principles and values affirmed in the Commonwealth Charter and the Latimer House Principles, including maintaining the separation of powers, the rule of law, and in particular, an independent, impartial and competent judiciary.¹

We urge the Government of Kiribati to respect and observe the independence of the judiciary, and to ensure that disciplinary, suspension or removal proceedings are fairly and independently determined in an accountable and transparent manner, in accordance with the Constitution and with established standards of judicial conduct, and upholding the right of judges to a fair hearing.²

Thank you.

This statement was delivered by Mr Tass Liveris, President of the Law Council of Australia.

¹ [Commonwealth Charter](#) Principles 6, 7; [Commonwealth \(Latimer House\) Principles](#) Principles I, II and IV.

² [United Nations Basic Principles on the Independence of the Judiciary](#) (6 September 1985), adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.