

26th Session of the Human Rights Council

**Interactive Dialogue with Special Rapporteur on the independence of judges and lawyers,
Gabriela Knaul**

June 2014

Statement by the Czech Republic

Thank you Mr. President. We support the statement delivered by the European Union.

The Czech Republic would like to thank the Special Rapporteur, Gabriela Knaul, for her latest report to the Council, with its focus on the importance of judicial accountability for upholding the rule of law and strengthening the independence of the judiciary.

We agree that judicial accountability must be exercised in a way which strengthens, not undermines, judicial independence. It is worrying that there are still instances when judges are reluctant to adopt decisions that could be out of line with the government's opinions for fear of repercussions or dismissal.

Disciplinary proceedings cannot be used as a tool to pressure, threaten or control judges and judicial actors. Their sole aim should be holding judges and other judicial actors to account in cases of misbehaviour or incapacity to discharge their duties. Judges should be entitled to a fair hearing under an appropriate procedure which should be subject to an independent review.

The lack of effective safeguards ensuring that disciplinary proceedings are impartial, objective and transparent is one of the major impediments to judicial independence.

Could you identify specific measures which are most needed to rectify this problem?

Thank you.