



Statement on behalf of the European Union and its Member States

By

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Delegation of the European Union to the United Nations

at the Sixth Committee

on

Agenda item 84

"The Rule of Law at the national and international levels"

United Nations

New York

5 October 2016

- CHECK AGAINST DELIVERY -

Mr. Chairman,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries Turkey, the former Yugoslav Republic of Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova, and Georgia, align themselves with this statement.

I would like to start by thanking the UN Secretary General for his report of 20 July 2016, which highlights the instrumental role played by the UN in promotion of a system based on the rule of law at national and international levels. I would like also to thank the Deputy Secretary General for his presentation of the report, and commend his leadership as chair of the UN Rule of Law Coordination and Resources Group. As we look back at 10 years of rule of law discussions in the 6th Committee, the European Union and its Member States would like to warmly recognise and thank him for his tireless dedication as a champion for the rule of law. At the same time, we are convinced that the rule of law will remain a high priority for the upcoming Secretary General as a cross-cutting matter throughout the works of the UN system.

As stated in the Declaration of the 2012 High-Level Meeting, human rights, the rule of law and democracy are interlinked and mutually reinforcing. We encourage the Secretariat to further develop the linkages between the rule of law and the three main pillars of the United Nations: peace and security, human rights and development. We welcome the meetings co-organised by the Rule of Law Unit with several member states to share experiences in advancing specific areas of the rule of law.

The high-level thematic debate organised by the President of the General Assembly in July this year highlighted good governance, the rule of law and access to justice as essential tools for realising and protecting human rights

Mr. Chairman,

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

We appreciate the focus in the third and fourth parts of the report on the subtopics of debate at the current Sixth Committee session, namely *"Sharing national practices of States in the implementation of multilateral treaties"* and *"Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable"*.

Multilateral treaties play a key role in laying down common rules for all nations and strengthening a rules-based international system. They are vitally important for promoting international relations in which justice and peace prevail.

We commend the role played by the United Nations to support the implementation of multilateral treaties at the national level thereby contributing to the strengthening of institutions with a view to achieving peace, security and justice, protecting human rights and ensuring societies respect the rule of law, including property rights, creating an environment which supports investment and boosts entrepreneurship as well as public and private financing.

We praise the work undertaken by the United Nations to support constitution-making, legislative and justice system reforms, police and correction entities, disarmament, demobilisation and reintegration, security sector reform, the fight against impunity and transitional justice through the actions carried out by various UN entities, including OHCHR, UN agencies and UN peace keeping operations.

The European Union, in cooperation with many other international and national institutions, has been working over the past decades to support the ratification and implementation of multilateral treaties at the national level, including through assistance for constitutional and legal reforms. This work has been implemented globally utilising a number of different funding mechanisms and aid modalities. The European Instrument for Democracy and Human Rights (EIDHR) is one of the key external financing instruments used to promote and support democracy and human rights worldwide.

Mr. Chairman,

Support for an independent, efficient and accountable justice sector is one of the principal avenues for promoting democratic governance, the rule of law, citizens' security, gender equality and fulfilment of human rights. Providing access to justice for all people without discrimination

is key to fulfilling the right to a fair trial. Access to justice enables people to claim rights to an effective remedy to address injustices and discrimination. There are strong links between securing access to justice and reducing poverty. Democratic governance is also undermined where the rule of law and equal access to justice for all citizens is absent.

We commend the role played by the United Nations, through the actions undertaken by UNDP, UNHCR , UNODC, UNDEF and MINUSTAH, to deliver legal aid services and strengthen legal awareness of options for legal redress , notably to facilitate access to justice for women and groups in marginalized or vulnerable situations, including migrants, refugees and internally displaced persons..

The EU and its Member States played a key role in the process leading to the agreement of the 2030 Agenda and its 17 Sustainable Development Goals, which, inter alia, recognise the importance of fostering peaceful, just and inclusive societies, that provide equal access to justice and that are based on respect for human rights. Goal 16.3 places particular importance on access to justice, as an integral component and a prerequisite for democratic societies and sustainable development.

We are committed to continue to take actions to ensure access to justice for all, including in particular the poorest and most vulnerable. Internally, the EU and its Member States have sound legislation in place to ensure access to justice and procedural safeguards in the area of criminal law as well as on the rights, support and protection of victims of crime. Just recently the EU legislator adopted a Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

Ensuring access to justice for all is an essential element in the global fight against impunity. Last year the EU adopted a new policy framework on support to transitional justice which places a strong focus on assisting victims and the most vulnerable in participating in transitional justice processes. The policy framework enhances the EU's ability to play a more active and consistent

role, both in our engagement with partner countries and with international and regional organizations.

The EU and its Member States continues to be one of the largest financial contributors to transitional justice initiatives worldwide, providing financing for justice, truth-seeking initiatives, institutional reform and reparations programmes including through support to civil society and victims' groups.

Mr. Chairman,

Unhindered access to justice for women is critical for the achievement of gender equality. Women, nonetheless, face many difficulties in gaining access to justice as a result of direct and indirect discrimination. The success of the 2030 Agenda therefore requires appropriate policy and legal frameworks, to enable those affected by discrimination to claim and realize their rights. We will continue to make a strong contribution to preventing, and responding to, all forms of violence against women and girls, including through access to justice.

In the framework of the women, peace and security agenda, we have highlighted our commitment to enhancing women's access to justice, including transitional justice mechanisms, and to build capacity for the prosecution of crimes against women and girls and the protection of witnesses. We will therefore ensure that our efforts contribute to increasing women and girls' access to justice and their ability to secure redress. To this end, the EU has been supporting access to justice for victims through a global programme on gender-sensitive transitional justice implemented jointly with UN Women. Also, through the European Neighbourhood Instrument (ENI), the EU supports a project together with the Council of Europe on women's equal access to justice in Eastern Partnership countries.

We support measures that protect and enable children to access justice, and ensure their involvement in the work of transitional justice mechanisms in a way that contributes to children's recovery and long term reintegration into society, and in a way that respects the best interests of the child in accordance with the UN Convention on the Rights of the Child.

The EU and its Member States actively promotes measures to guarantee the right of access to justice for persons belonging to minorities, by ensuring that the right to interpretation and translation is respected for those suspected or accused persons who are unable to speak or understand the language of the proceedings.

We are committed to ensure access to justice for people with disabilities in all stages of legal proceedings and to protect and promote their rights in accordance with the UN Convention on the Rights of Persons with Disabilities.

Over the past two years Europe has been confronted with unprecedented flows of refugees, asylum seekers and irregular migrants. In the face of this great challenge, the EU and its Member States have sought to facilitate access to justice, legal assistance, witness protection, health and socio-psychological support for refugees, migrants and asylum seekers. Under the overarching external migration policy – the Global Approach to Migration and Mobility- the EU supports projects in partner countries to improve access to justice for migrants.

We welcome the continuous engagement of civil society and other international and regional institutions to improve access to justice. Through the EIDHR, the EU supports a project with the ILO on improving indigenous peoples' access to justice and development through a community-based monitoring mechanism. The EU and its Member States are working closely with the Council of Europe and with the OECD in establishing a set of recommendations for improving inclusive access to justice. Recently, the European Union Agency for Fundamental Rights (FRA) and the European Court of Human Rights launched a practical handbook on European law relating to access to justice.

Moreover, we encourage the use of modern technologies in order to promote access to justice.

Mr. Chairman,

We praise the efficient work of the UN Office of Legal Affairs in discharging the UN functions of depositary of multilateral treaties and linked to their registration and publication in accordance

with Article 102 of the UN Charter. We welcome the use of new technologies for the Treaty Section database, which constitutes a particularly useful tool for legal practitioners across the world, making information accessible and transparent. We commend the work of the Office of Legal Affairs in the area of capacity-building related to the promotion of the law of treaties and treaty practice.

We support the Secretary-General's annual treaty event that has triggered since the year 2000 an increased number of signatures and ratifications of international treaties. We welcome the fact that more and more States have ratified important multilateral conventions, in particular in the field of environment, law of the sea, human rights, transnational crime, as well as international commercial law and development.

At the level of international justice, we are firm supporters of the International Criminal Court for its critical role in promoting the rule of law, fighting impunity, and ensuring accountability for the most serious crimes of concern to the International Community, when States themselves are unable or unwilling to do so. The European Union and its Member States are the largest donors in providing financial assistance to the International Criminal Court and to civil society actors in support of the cause of the Court.

We acknowledge the important role of the ICTY, ICTR, and the United Nations Mechanism for International Criminal Tribunals. We also acknowledge the important role of the Residual Special Court for Sierra Leone, the Special Tribunal for Lebanon and the Extraordinary Chambers in the Courts of Cambodia and their need for voluntary contributions. In addition, the EU has been instrumental in setting up the newly established "Kosovo Specialist Chambers and Specialist Prosecutor's Office", and their financing is to a large extent based on EU funds.

We welcome the efforts of various UN entities in supporting the work of international and national judicial institutions, and in particular in investigating and prosecuting conflict-related sexual violence, as well as in addressing women's access to justice in this context.

In 2015, the EU adopted an ambitious new Action Plan on Human Rights and Democracy which places a strong focus on support to justice and the rule of law. The new action plan foresees a

number of actions with an objective of boosting ownership of local actors in delivering support to public institutions and justice systems, including monitoring and promoting the compliance by partner countries of their international obligations. EU continues mainstreaming co-operation at the UN into bilateral human rights and political dialogues by systematically raising recommendations stemming from the work of treaty monitoring bodies, the Human Rights Council's Universal Periodic Review and special procedures.

Mr. Chairman,

As the Secretary-general rightly says, "*respect for the rule of law and human rights while countering terrorism is a fundamental basis for all measures to prevent and counter terrorism*". With its member states, the EU is committed to take comprehensive action against terrorism in full compliance with international law, its fundamental values and international human rights standards. It is necessary to put more emphasis on the prevention of terrorism, in particular countering radicalization, on recruitment, equipment and financing of terrorism, and address underlying factors such as conflict, poverty, proliferation of arms and state fragility that provide opportunities for terrorist groups to flourish.

The EU and its Member States are committed to continue to promote more peaceful and inclusive societies, based on effective rule of law and good governance and building transparent, effective and accountable institutions. The EU and its Member States advocate a comprehensive and joined-up approach across the three pillars of the UN to further strengthen the rule of law and we call for all to contribute their fair share to this effort.

I thank you, Mr. Chairman.