



Statement by H.E. Archbishop Bernardito Auza  
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Seventy-first Session of the United Nations General Assembly, Sixth Committee  
Agenda Item 84: **The Rule of Law at the National and International Levels**

Mr. Chair,

I congratulate you and the other members of your Bureau on your election, and I assure you of my delegation's continued collaboration.

The Secretary General's report "Strengthening and coordinating United Nations rule of law activities"<sup>1</sup> describes the efforts of the United Nations in support of national implementation of multilateral treaties. The Holy See notes with satisfaction that these efforts are ultimately aimed at "facilitating access to justice for all, including the poorest and most vulnerable."<sup>2</sup>

Thus my delegation welcomes, in particular, the initiatives that provide practical resources and on-the-ground assessments focused on ensuring access to justice for people in vulnerable situations, including detainees, indigent persons, refugees, and other displaced persons. Concern for the neediest is not only a moral imperative; it has become the yardstick with which to measure the success or failure of the 2030 Agenda for Sustainable Development, whose primary objective is to leave no one behind. The rule of law is meant to fulfill a role beyond maintaining harmony and order; it is also supposed to be an exemplary teacher. In this case, it ought to be an expression of society's capacity to lift the poor and the excluded, the infirm and the imprisoned.

In this respect, while acknowledging the fundamental roles of judges, prosecutors, attorneys, and other vital participants in the implementation of the rule of law, my delegation is particularly concerned about the persons subject to legal action, particularly those illegally detained, those unjustly accused, those with physical and mental disabilities, and those who have no advocate, no political influence and no resources to vindicate their rights. The Holy See is focused on whether these categories of persons find recognition within the legal system. If one of the concerns of this Committee is to propose and evaluate rule of law indicators, then it must look beyond codifications and legal infrastructure and examine whether the least among us are in practice able to exercise their substantive and procedural rights under the law; whether they are able to understand and navigate the legal system; whether they are able to trust and rely on it; whether they find justice and compassion within it.

The Secretary General's report, moreover, surveys many of the important steps States have taken within the last year to embrace an international framework of norms and standards on

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<sup>1</sup> A/71/169 (July 20, 2016).

<sup>2</sup> *Id.* at 3.

subjects such as ecology, access to justice, and the fight against transnational crime. The report also highlights capacity-building and technical-support projects undertaken by various United Nations entities. My delegation would like to recommend that such surveys be supplemented with practical reflections on whether these accomplishments are effective, inclusive and sustainable. Rule of law does not exist in a vacuum nor does it stand or fall alone. Reflection on the rule of law, therefore, should explore the cultural and social ethos in which the law is being implemented. It should look more deeply into the intersection between law and the lively world of non-state institutions and grassroots organizations, in order to assess more meaningfully how the rule of law can better take root and flourish in a given society. After all, justice, which is the constant and perpetual will to give to each one his or her due, is learned and fostered primarily within the family, religious communities and civil society.

Mr. Chair,

The Holy See wishes to underline the connection between the rule of law and the freedom of opinion and expression, as recognized under Article 19 of the Universal Declaration of Human Rights. The imprisonment and murder of journalists, researchers or activists is often a signal that some powerful interest is trying to evade accountability, which is antithetical to the rule of law.

This Committee must therefore encourage the appropriate independence of the judiciary. Encouraging those who stress the need for responsible freedom in the exercise of their judicial function, Pope Francis stated that “lacking such freedom, a nation’s judiciary is corrupt and corrupting.”<sup>3</sup> A captive judiciary is *corrupted*, to use Pope Francis’ expression, because political factors are illegitimately weighed on the scales of justice; a captive judiciary is *corrupting* because its decisions, which lack the legitimacy of an objective and impartial application of law, infect the body of law with unsound principles, thereby jeopardizing justice and the common good. With a corrupt and corrupting judiciary, the rule of law ultimately gives way to a rule of force.

Thank you, Mr. Chair.

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<sup>3</sup> Pope Francis, Statement to the Judges’ Summit on Human Trafficking and Organized Crime (3 June 2016).