

ISRAEL

Trusteeship Chamber Council

Statement by
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SIXTH COMMITTEE: THE RULE OF LAW AT THE
NATIONAL AND INTERNATIONAL LEVELS (item 84)

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Sixth Committee – Statement of Israel - Rule of Law

Thank you, Mr. Chairman,

Israel welcomes the opportunity to remain engaged in an exchange of views on the rule of law, and we would like to thank the Secretary General for his report. The briefing of the Deputy Secretary-General Eliasson to the Sixth Committee on this topic reflects the importance of this subject.

Israel believes that the principle of the rule of law is a cornerstone of stability, peace and security, both in the national and international levels.

On the national level, the rule of law is a core element of every democracy. This element includes the concepts of good governance and a robust, independent and impartial judicial system.

Today, Israel represents an island of democracy in a sea of instability and we remain committed to the rule of law on all levels. Israel's Declaration of Independence guarantees the democratic character of the State, and ensures that the majority governs while minorities enjoy equal rights.

This is not always easy, especially as Israel has been threatened ceaselessly with war, terror and destruction since its inception. But Israel's commitment to the rule of law and to these values stays firm and solid. Even if this makes our struggle to counter terrorism more difficult. As former Israeli Chief Justice, Aharon Barak said, (and I quote) "...a democracy must sometimes fight with one hand tied behind its back. Even so, the democracy has the upper hand."

Mr. Chairman,

In too many parts of the world, the rule of law is not used to protect and defend citizens, but rather to discriminate against them. Women are denied the opportunity to make decisions about their future, especially when it comes to getting an education, pursuing a profession, earning money and choosing how to spend it.

Israel, by contrast, has continuously strived to build an inclusive society where women play a central role. We are proud that they have become leaders in every field and discipline - from courtrooms to classrooms and from operating rooms to boardrooms. More than forty years ago,

Golda Meir became Israel's Prime Minister – making Israel then just the *third* country in the world to elect a woman to its highest office. Since then, women have assumed many key positions in the Israeli society, including three consecutive female Presidents of the Supreme Court.

Mr. Chair,

Judicial autonomy is another core principle in Israel that is reflected in our Basic Law. Our Supreme Court continually conducts careful and rigorous judicial review of parliamentary legislation, executive policy and administrative actions. Nothing is beyond the scope of the court. Its independent and impartial role led the Israeli judiciary system to become internationally renowned for its groundbreaking judgments on various issues relating to the rule of law.

As part of the important role of the legal system in Israeli society, Israel also attaches great importance to *access to justice*. Ensuring equal access to justice for all, is essential for translating the rule of law into effective mechanisms – mechanisms that provide protection from violations of rights and ensure adequate remedies where appropriate.

Therefore, Israel has adopted a very broad standing concept, and the doors of the Supreme Court are open to everybody: Our regulations grant broad standing rights before the Supreme Court, and allow citizens and non-citizens alike, as well as civil society organizations, to petition the High Court of Justice directly, as a court of first instance.

In practical terms, this means that anybody can petition Israel's Supreme Court, on any governmental decision. From gender related issues to state and religion affairs, and from minority equality to government budgeting.

Moreover, each and every citizen who stands trial, has the right to have legal representation. This is a core principal enshrined in our legal system. In order to ensure that the most vulnerable and marginalized persons will fully enjoy this right, Israel established the Office of the Public Defender. This ensures that anyone can realize his or her constitutional right of access to judicial forums.

Mr. Chairman,

On the international level, maintaining the rule of law requires an effective multilateral system, founded on international law. In this respect, Israel supports the progressive work of the International Law Commission and of the Committee on International Trade Law in the development of international law.

With respect to the contribution to the rule of law by international tribunals, I would like to highlight the importance of the principle of complementarity and to stress that it is the primary responsibility of States to investigate and to prosecute violations of international law.

The real contribution of international tribunals is not their mere existence, but in their capacity to strengthen the rule of law in the arenas that they operate, in the quality of their legal decisions, and in their ability to stand firm in the face of attempts to politicize issues and to preserve their reputation as independent and professional bodies that are not influenced by politics or by the media.

Mr. Chairman,

Israel supports the UN activities and initiatives for capacity building and technical assistance. Israel has been intensively engaged in providing technical assistance in many regions around the world, for example by close cooperation with African and East European countries, as well as with UN agencies. Israel welcomes every opportunity and initiative to share its knowledge and expertise with other countries. We have organized seminars and training programs for judges, prosecutors and investigators in the fields of capacity building, public defense, counter terrorism, incitement, and countering the funding and financing of terrorism.

To conclude, I would like to reiterate Israel's commitment to the rule of law on the national and international levels.

I thank you, Mr. Chairman.