



**Statement on behalf of the European Union and its Member States**

**by**

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**on the agenda item 86**

**“The Rule of Law at the national and international levels”**

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**— CHECK AGAINST DELIVERY —**

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

The Candidate Countries, the former Yugoslav Republic of Macedonia\*, Montenegro\* 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.

We welcome this year's report on *Strengthening and Coordinating UN rule of law activities (A/73/253)* and would like to thank Assistant Secretary-General Fabrizio Hochschild-Drummond for his presentation. We commend the UN for continuing to meet the requests and needs of Member States across all continents in key areas such as ensuring effective and functioning justice and security institutions; accountability for serious crimes under international law; other transitional justice initiatives; access to justice, in particular for marginalized persons; justice and security for women and girls; anti-corruption and strengthening national institutions to prevent violence and counter terrorism and crime.

The EU and its Member States note that the UN's assistance in building national capacity to strengthen the rule of law is crucial in order to address challenges and worrying trends across the globe. We welcome measures relating to security and armed violence reduction supported by the UN including to address demands for justice for human rights violations and abuses in communities recovering from conflicts and crises; to curb excessive use of force and human rights abuses and violations by militias and security forces; to strengthen protection and inclusion of persons in vulnerable situations such as IDPs and refugees needed due to weak institutions; to end violence against women and mitigate the circumstances that enable it such as mass displacement, incitement and encouragement of gender-based violence; to address corrupt practices affecting the integrity and impartiality of justice systems and the transparency of legislative processes; as well as to counter attacks on the independence of the judiciary.

Gender equality is a high priority for the EU and its Member States. We must ensure that women fully enjoy the benefits of the rule of law, by using law to uphold their equal rights and ensure their full and equal participation, including in institutions of governance and the judicial system. We therefore call on all States to establish appropriate legal and legislative frameworks to prevent and address all forms of discrimination and violence against women and to secure their empowerment and full access to justice.

Mr. Chair,

We support the use by States of international justice mechanisms such as through accepting the compulsory jurisdiction of the International Court of Justice or through other international

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

tribunals to resolve inter-state disputes and to promote a rules-based international legal order. We underline that international treaties and binding decisions are essential to harmonise international relations and should be interpreted and implemented in good faith in order to address emerging threats to political and economic stability and transnational and international crimes.

Respect for international law and the rule of law is the basis for our global order with the United Nations at its core, and is inextricably linked to the protection of human rights and fundamental freedoms. The EU and its Member States emphasise therefore, the importance of respect for human rights in rule of law assistance. It is the responsibility of Member States as well as that of international organizations including the United Nations to uphold and respect international law, including international human rights law and international humanitarian law. The EU and its Member States encourage UN Member States that continue to impose and implement death sentences to establish a moratorium with a view to abolishing the death penalty.

The EU and its Member States underline that it is the primary responsibility of Member States to investigate and prosecute serious crimes under international law. We note, however, that when national legal systems fail, due to lack of political will or capacity to genuinely act, justice is delayed which may prolong conflicts, generate frustration and retaliation among communities and obstructs national reconciliation.

We encourage the UN to continue its efforts at the national and international levels to strengthen accountability for international crimes, while acknowledging challenges of resource mobilisation for international accountability mechanisms. The EU and its Member States strongly support the work of the International Criminal Court and other international criminal tribunals.

We welcome the operationalisation of the International, Impartial and Independent Mechanism (IIIM) to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011, as well as other efforts supported by the UN to preserve evidence and bring perpetrators to justice, including by supporting and enhancing capacity for national prosecutions. We note the view of the SG that it is not always appropriate to fund international accountability mechanisms through voluntary funding. We therefore support efforts to explore alternative funding arrangements for the IIIM including whether it should be funded through the UN budget. The EU and its Member States also supports independent commissions of inquiry and fact-finding missions in response to widespread human rights violations, and measures to bring perpetrators to justice. The EU and its Member States welcome the establishment by the Human Rights Council of an independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious crimes and violations of international law committed in Myanmar.

Mr. Chair,

UN rule of law assistance at the national and international levels is becoming ever more critical, particularly in addressing the root causes of conflict and crises and for sustaining peace. It has been noted previously that more efforts, political will and resources are necessary in response to the challenges highlighted by the Secretary-General. We recognise the need for the UN to evolve and to enhance preparedness to address emerging global threats, including by reorienting peacekeeping with more focused and achievable mandates that recognise the rule of law and match the resources available. We acknowledge the need for comprehensive transition strategies from peace operations to development assistance, including by addressing funding gaps faced by UN Country Teams and enhancing political and security support after mission drawdown in order for Member States to achieve sustainable development and lasting peace.

The EU and its Member States welcome the high priority placed by the Secretary-General on the rule of law. We welcome the progress which has been made in attaining system-wide strategic coordination and coherence on rule of law engagement and enhancing results, including through the global focal point arrangement for police, justice and corrections. We encourage the Executive Office of the Secretary-General to continue to bring together partners across the UN that have an impact on peace and security, human rights and development. We encourage further reflection and evaluation of the UN's performance and effectiveness in supporting rule of law efforts at the national and international levels and continue to support measures to enhance real impact on the ground as well as coordination efforts to improve efficiency of UN rule of law support at the national level.

Mr. Chair,

The rule of law and sustainable development are strongly interrelated and mutually reinforcing. The advancement of the rule of law is essential for sustained and inclusive economic growth and sustainable development, the eradication of poverty, for addressing environmental degradation and the full realization of all human rights and fundamental freedoms. The EU and its Member States strongly supports further efforts towards implementing the Sustainable Development Goals, and in particular Goal 16. Looking ahead to the High-Level Political Forum in 2019, where progress on the implementation of Goal 16, among others, is to be reviewed, we encourage Member States to report on national efforts to implement the Sustainable Development Goals. We note that Member States are making incremental but steady progress in the implementation of the rule of law aspects of the 2030 Agenda.

We regret that an in depth discussion on a sub-topic, as we traditionally have in this debate, was not possible this year. Nevertheless, allow me to set out a few practical measures the EU is implementing both within the EU and beyond, to strengthen implementation of the rule of law related aspects of the Agenda 2030:

- In order to encourage EU Member States to improve the effectiveness of their judicial systems, every year the EU Justice Scoreboard presents the perception of judicial independence and other comparative data on the independence, quality and efficiency of justice systems.
- Furthermore, the European Commission's Rule of Law Framework aims at addressing emerging threats to the rule of law in EU Member States. With these measures, Member States recognise the need to learn from each other in order to make the protection of human rights and fundamental freedoms and the rule of law a reality throughout the EU and beyond.
- Within the EU we are mainstreaming the SDGs in our European policy framework and have elaborated the "New European Consensus on Development" by the Presidents of the European Commission, European Parliament and the Council. In addition, the Global Strategy for the European Union's Foreign and Security Policy provides a vision for an integrated, credible and responsive EU engagement in the world and through partnerships.

Strengthening the rule of law is a responsibility of us all, the EU and its Member States included. Democracy, Human Rights and the Rule of law are mutually reinforcing and must be addressed as an integrated whole. The EU and its Member States consider it important to be partners in the efforts to strengthen the rule of law and cooperate on this important topic with other States. We encourage the UN to continue to support Member States to measure progress on rule of law aspects of the Sustainable Development Goals and to mobilise private sector and civil society in these efforts.

Thank you.