



Statement by H.E. Archbishop Bernardito Auza
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Agenda Item 86: **The Rule of Law at the National and International Levels**
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Mr. Chair,

In his 2015 Address to the General Assembly, Pope Francis noted that “The work of the United Nations ... can be seen as the development and promotion of the rule of law, based on the realization that justice is an essential condition for achieving the ideal of universal fraternity.”¹ The General Assembly, in its Resolution 72/119, echoed that insight by reiterating once again that “the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and its Members States.”²

The Holy See welcomes this Assembly’s recognition that the rule of law at the international and national levels offers a firm foundation for a “peaceful, prosperous, and just world.”³ At the heart of the Rule of Law lies the respect for all human rights as recognized internationally, together with their effective domestic implementation. In his Address to the General Assembly, Pope Francis expressed that concept using the Latin aphorism *iustitia est constans et perpetua voluntas ius suum cuique tribuendi* – “Justice is the constant and perpetual will to render to each one his or her rights.”⁴

The UN Charter transposes that concept of justice into international law. The Charter in fact affirms the foundational nature of human rights in themselves as essential means to attain the UN’s complementary pillars of peace and security, development and the rule of law.⁵ In ratifying the Charter, Member States pledge in particular to take joint and separate action to “promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.”⁶

Internationally recognized human rights must be acknowledged and respected domestically. International Human Rights treaties consecrate that principle into law by binding State Parties to adopt concrete measures to realize and uphold those rights. Such measures necessarily

¹ Pope Francis, Address to the Members of the General Assembly of the United Nations Organization, 25 September 2015.

² A/RES/72/119

³ Ibid.

⁴ Pope Francis, Address to the Members of the General Assembly of the United Nations Organization, 25 September 2015.

⁵ UN Charter, Preamble, art 1(3).

⁶ UN Charter, Articles 55 & 56.

include the adoption of adequate legislation and the provision of effective remedies at the national level.⁷ The major human rights Conventions impose similar obligations. Moreover, Goal 16 of the 2030 Agenda for Sustainable Development (SDG 16) echoes those legal obligations in calling on the Member States to provide “access to justice for all.”⁸ In fact, the just application of the rule of law at the national level is nothing less than the full respect for human rights.

Mr. Chair,

The rule of law can only be effective if the observance of human rights rests upon adequate “effective, accountable and inclusive” procedures and institutions at the national level, as recognized in the SDG 16.⁹ Accordingly, States should empower domestic institutions to honor human rights obligations and should eliminate any procedural obstacles that far too often deny effective remedies to the victims of human rights violations. States should also ensure that the lawyers, judges and human rights advocates who seek to ensure the domestic enforcement of human rights may freely pursue their professional duties in accordance with the applicable principles on the independence of the judiciary solemnly adopted by the General Assembly.¹⁰

As regards the future work of the Sixth Committee on this issue, we note with interest the subtopics for debate suggested by the Secretary General in his Report.¹¹ Among those items, the Holy See would be particularly interested in the discussion of proposed subtopic d): “*Implementation of the rule of law elements of the 2030 Agenda for Sustainable Development and sharing of best practices*” since it is indispensable to make still further progress to fulfill SDG16.

Mr. Chair,

Speaking to the Ambassadors accredited to the Holy See earlier this year, Pope Francis stated that “as the Universal Declaration of Human Rights affirms, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”¹² Promoting the rule of law at the international and national levels thus remains an essential task for the whole family of nations as well as a sign of hope in our world, especially in its most troubled regions.

Thank you, Mr. Chair.

⁷ International Covenant on Social, Economic and Cultural Rights, Article 2.

⁸ Sustainable Development Goal 16.

⁹ Ibid.

¹⁰ United Nations Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

¹¹ Report of the Secretary-General on Strengthening and coordinating United Nations rule of law activities, A/73/253, para. 72.

¹² Pope Francis, Address to the Members of the Diplomatic Corps accredited to the Holy See, 8 January 2018.