



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

**by Mr. Fabio Cannizzaro**

**Counsellor**

**Delegation of the European Union to the United Nations**

**at the Sixth Committee**

**on the Agenda item 84:**

**“The rule of law at the national and international levels”**

**United Nations**

**New York**

**17 October 2024**

**– CHECK AGAINST DELIVERY –**

Thank you, Mr. Chair,

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

The Candidate Countries Montenegro\*, Serbia\*, Albania\*, Ukraine, the Republic of Moldova, Bosnia and Herzegovina\* and Georgia, as well as San Marino align themselves with this statement.

At the outset, we would like to express our sincere appreciation for the Secretary-General's Report on strengthening and coordinating United Nations rule of law activities. The Report showcases the pervasive and manifold efforts of the Organisation to promote and strengthen the rule of law at both national and international level. It also provides plenty of examples and inspiration as regards this year's subtopic on "**The full, equal, and equitable participation at all levels in the international legal system**".

Mr. Chair,

This year's subtopic is particularly important. Access to justice is a core element of the rule of law. It is also a fundamental right in the European Union, enshrined in Article 47 of the EU Charter of Fundamental Rights, which guarantees the right to an effective remedy and a fair trial.

For this fundamental right to be really effective, it is indeed essential to guarantee the full, equal, and equitable participation at all levels in the legal systems. This requires a holistic, integrated approach covering a wide range of relevant aspects in our evolving and complex social organisation.

We will focus on a few main themes, also drawing inspiration from the Report.

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\* Montenegro, Serbia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

First, the Report confirms the importance of **digitalisation** for facilitating and improving access to justice. The new EU e-Justice Strategy and Action Plan for 2024-2028 confirms that progressive digitalisation of the justice system continues to be a priority for the EU, to make it more effective and efficient and bring it closer to citizens, thus offering better justice services to all. In line with the European Declaration on Digital Rights and Principles for the Digital Decade, the new EU e-Justice Strategy for 2024-2028 is **focused on the need of people**, notably those lacking digital skills or tools, to enable and foster effective participation and engagement in judicial proceedings.

To that end, a number of initiatives will be further developed to reduce the digital divide. For example:

- encouraging access to open justice data, which can serve as means of empowering people and businesses, thereby also increasing the possibilities for autonomous dispute resolution;
- supporting the creation and use of open source software in the justice sector, with a view to lower costs and enhance transparency and interoperability;
- fostering and facilitating access to the e-Justice Portal and all its ancillary services, as a one-stop shop for digital justice services. After having focused on increasing the quantity of information available, the next step will be improving the structure of the Portal so that the content is easily accessible for everyone, using plain language which everyone can understand.

Second, there is a general need to **empower persons, businesses and justice professionals, with no distinction**. In this respect, we are pleased that the Report underlines all the UN initiatives aimed at advancing **gender equality and women's empowerment**. The EU Gender Equality Strategy 2020-2025 adopted

by the European Commission confirms the full commitment of the European Union to prevent and combat gender-based discrimination and violence. Last May, the EU adopted a directive to effectively fight violence against women and domestic violence both offline and online, which requires Member States to put in place robust measures of prevention, protection, access to justice, support, coordination, and cooperation between authorities.<sup>1</sup> **Gender equality and women's empowerment** is also relevant from the perspective of human resources, as an essential element for the quality of a justice system. Diversity among judges, including gender balance, adds complementary knowledge, skills and experience and reflects the reality of society.

Third, access to justice can be considered full, equal and equitable, only if it is ensured for the **most vulnerable ones**, such as persons with disabilities, people living in poverty or at risk of poverty, children.

Accessibility is required throughout the whole justice chain to enable all people, including **persons with disabilities**, to obtain relevant information – about the justice system, about how to make a claim and the related financial aspects, about the state of play of proceedings up until they are complete. Also in line with the UN Convention on the Rights of Persons with Disabilities, the EU - with its Strategy for the Rights of Persons with Disabilities 2021-2030, - is committed to support EU Member States in boosting the participation of persons with disabilities as professionals in the justice system. Most of the EU Member States already have specific measures in place to support persons with disabilities in their access to employment specifically in the justice system, including vocational guidance and training, support regarding employment and working conditions, including pay and protection from dismissals.

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<sup>1</sup> Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence.

High litigation costs, such as court fees and legal fees, may hinder access to justice, particularly for **people living in poverty or at risk of poverty**. This is why access to legal aid is a fundamental right enshrined in the Charter of Fundamental Rights of the EU. It allows access to justice to people who would not otherwise be able to bear or advance the costs of litigation. Most Member States grant legal aid based on the applicant's income.

Last but certainly not least, as regards **children**, EU Member States have various specific arrangements for child-friendly proceedings with children involved as victims or suspects or as accused persons. This includes, for example, providing information in a child-friendly way, having child-friendly specialised settings/hearing rooms in which children are being heard, treating criminal proceedings involving children as a matter of urgency, holding children separately from adults when they are deprived of their liberty.

Mr. Chair,

To conclude, a truly full, equal and equitable access to justice is a fundamental element of the rule of law. And the rule of law matters to citizens and businesses. Based on a recent Eurobarometer survey, 74% of respondents think that the EU plays an important role in upholding the rule of law and 89% believe that it is important for all EU Member States to respect the EU's core values. This is why we have a system in place (the EU's Rule of Law Toolbox) to continuously monitor the rule of law in the EU Member States. It is also why credible and sustainable reforms in this area are defined as the "fundamentals" of EU enlargement policy; they are monitored throughout the overall accession process and determine the momentum of countries on their path towards accession.

These are continuous exercises, because the rule of law is not a given and can be threatened by changing circumstances, such as political changes or societal and technological developments.

This shows the importance of continuing to deepen our work on the rule of law, share our respective experience and challenges, and take inspiration from one another to further deepen the tools at our disposal to defend, promote, and strengthen the rule of law.

Thank you.