

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

37TH SESSION OF THE HUMAN RIGHTS COUNCIL: HIGH LEVEL SEGMENT

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Delivered by Irene Khan, Director-General, IDLO

Mr. President,
Excellencies,
Distinguished Delegates,
Colleagues and Friends

I am honored to address the Human Rights Council today on behalf of the International Development Law Organization, the only intergovernmental organization exclusively devoted to advancing the rule of law and access to justice. This year we mark our thirtieth anniversary as an inter-governmental organization.

The inter-dependence of human rights and the rule of law is obvious. In the absence of fair laws and effective institutions, human rights are simply ‘paper promises’. On the other hand, when laws and institutions are not based on human rights, they become tools of oppression and injustice.

The drafters of the Universal Declaration of Human Rights were acutely conscious of the power of the rule of law, noting in the Preamble that “...if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression... human rights should be protected by the rule of law.”

As we mark the 70th anniversary of the Universal Declaration of Human Rights, I hope the Council will champion the rule of law as a pathway to making human rights real.

Certainly, we can take pride in the impressive legal architecture of treaties and tribunals, institutions, laws and standards that have blossomed over the past seventy years to protect, promote and advance human rights at international, regional and national levels. But we all know that while much has been achieved, much more still remains to be done.

The major challenges facing the world today – of growing inequality and exclusion, entrenched conflicts, radical nationalism and violent extremism, the threat of climate change – reflect the dual failures of human rights and the rule of law. The gravest violations of human rights and international humanitarian law are taking place where the rule of law is absent, undermined or ignored. Laws and treaties are of little value if they are not translated into respect for rights on the ground, if human rights are violated with impunity, if people are denied access to justice and can find no remedy.

In many countries, the machinery of the law is being deployed to muzzle dissenting views, freeze out civil society, persecute political opponents, discriminate against women and girls, and exclude minorities, migrants, refugees and other vulnerable groups.

The legal system should work to level the playing field in the interests of social justice and economic development. Instead, too often it is being used selectively to promote the interests of the powerful and the privileged.

The independence of the judiciary, a crucial check on the arbitrary exercise of executive power, is under assault in many parts of the world. The justice sector in many developing countries, especially in countries emerging from conflict, is under-resourced and overwhelmed, lacking capacity and vulnerable to manipulation and elite capture.

If we are to realize the vision of the Universal Declaration of Human Rights, the Council must call for greater attention to be given to strengthening the rule of law and building the capacity of the justice sector at national and local levels to uphold human rights – economic, social and cultural, as well as civil and political rights.

The 2030 Agenda for Sustainable Development incorporates access to justice, the rule of law and its underlying principles of equality, inclusion, transparency and accountability in SDG 16 and other goals. The 70th Anniversary of the Universal Declaration of Human Rights provides an opportunity for the Council to reinforce the international consensus that has emerged on the critical relationship between human rights, the rule of law and sustainable development and to encourage governments to take concrete, practical measures to deliver on their promises.

Mr. President,

IDLO works in some of the poorest and most insecure parts of the world as well as in middle income countries. We support governments to reform laws and strengthen institutions to fight corruption or discrimination. We build judicial and legal capacity and empower citizens to access justice and claim their rights.

We know from our experience that realizing rights requires both political will and institutional capacity. It requires committed governments, but it also requires empowered citizens who can hold the powerful to account. Above all, realizing human rights requires strengthening the rule of law in concrete, practical ways, which includes top-down institution-building as well as bottom-up legal empowerment strategies.

Building the rule of law takes political commitment, time and money but is one of the soundest investments that governments and the international community can make today to protect human rights, sustain peace and build inclusive societies.

Mr. President, as our contribution to the 70th Anniversary of the Universal Declaration and to our own 30th anniversary, allow me to reiterate IDLO's pledge to strengthen its collaboration with the UN Human Rights Council, human rights defenders and justice champions around the world to strengthen the rule of law in the service of human rights for all.

Finally, Mr. President, as the High Commissioner's mandate comes to an end later this year, on behalf of IDLO I would like to express our deep appreciation for his vision, leadership, and courage.

Thank you.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.