

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

THE GENERAL SEGMENT OF
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*Delivered by Mr. Julian Fleet, IDLO Permanent Observer to the United Nations and other
International Organizations in Geneva*

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Thank you Mr. President, for this opportunity to address the Council.

The International Development Law Organization (IDLO) congratulates the Council, now entering its second decade, on its leadership and important contributions to the promotion of human rights.

The only intergovernmental organization devoted exclusively to strengthening the rule of law, IDLO has a deep and abiding interest in the work of the Human Rights Council.

We look forward to further strengthening our cooperation with the Council as it confronts the challenges, in the words of the High Commissioner, to our “protective fortress of ... laws ... making up our international system ...”.

We have heard in the first three days of this session great emphasis on democratic practices and institutions, the equal rights of all people including gender equality, and the importance of justice in ending impunity.

IDLO is committed to ensuring that human rights are realized for all and contributes to this end through its work on the ground helping to build strong legal frameworks, accountable institutions and promoting access to justice for all in society.

Member States have noted the Council’s role as a catalyst for technical assistance and capacity building.

With over 30 years of experience promoting the rule of law, including through technical assistance, often in challenging settings, IDLO is engaged with national partners in upholding and operationalizing human rights on behalf of women, children, refugees and migrants, and people living with HIV/AIDS, among other vulnerable groups.

Good laws and effective institutions can transform societies especially when they are accompanied by the empowerment of citizens and full participation of civil society. The rule of law, properly understood, provides not only certainty and predictability, but also substantive justice.

Permit me to share with you some examples of IDLO’s work in countries in the three pillars on which we work:

First, in the area of institutional building, because increasing the legitimacy and public confidence in justice sector institutions is essential to ensuring peace and stability, human rights, and development:

- In Afghanistan, Kenya, Kyrgyzstan, Mali, Myanmar, Somalia, South Sudan, Tunisia and Ukraine, IDLO has trained thousands of justice sector officials including judges, prosecutors and defense attorneys. The work goes further to encompass change management, organizational work processes, resource mobilization, and cooperation among organizations and institutions that drive justice sector reform.

Second, in the area of access to justice, because in line with UN standards, access to justice is an 'essential prerequisite for the protection and promotion of all other civil, cultural, economic, political and social rights'. IDLO works to bridge the gap between procedural and substantive justice.

- In Afghanistan, Argentina, Benin, Bolivia, Brazil, Burundi, Chile, Costa Rica, Egypt, El Salvador, Honduras, Indonesia, Kenya, Mongolia, Myanmar, Paraguay, Peru and Somalia, IDLO promotes legal and institutional reforms and provides legal representation that advance gender equality and women's rights; non-discriminatory policies and regulations which put services within the reach of the poor and disenfranchised; and targeted measures that empower those – women and others – whose rights are most at risk..

Third, in the area of strengthening sustainable development and economic opportunity, the rule of law provides legal certainty for economic development, ensures equity for social development and allows a legal basis for distribution of natural resources and protection of the environment, and in so doing, underpins all three pillars of sustainable development:

- In Kenya, Kuwait, Mongolia, Montenegro, Tajikistan and Tunisia, IDLO has variously assisted national partners in enhancing business confidence through, for example, law reform, training of bailiffs for the implementation of court decisions, and alternative dispute resolutions.

A new and determined focus on implementation could not be timelier as we compare the human rights realities lived by many people with the norms and standards of the human rights treaties – i.e., the Covenants on Civil and Political, and Economic, Social and Cultural Rights – which the Council has discussed.

The anniversaries of these core instruments serve as an opportunity to take stock of progress, but more important to identify priorities and mobilize partnerships for action going forward. Certainly, more is required to ensure that economic, social, and cultural rights, and civil and political rights, are a reality in the lives of the world's poor and vulnerable. In this regard, efforts to mainstream human rights within the UN system are key, but so too the mobilization of partners within the wider international community and at the national level.

As we heard at the Council's annual mainstreaming panel two days ago, the overriding aim of the Sustainable Development Agenda is the fulfillment of human rights, and human rights must underpin all efforts to achieve the Goals.

Poverty cannot be eradicated, sustainable development achieved, or inclusive economies created without the establishment of a strong culture of rule of law.

Sustainable Development Goal 16 -- *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels* -- acknowledges that access to justice, the rule of law and effective, inclusive institutions are essential ingredients of sustainable development. But

the relationship between the rule of law and the 2030 Agenda goes deeper than Goal 16. The rule of law is about equal protection, accountability and transparency, and as such, cuts across all the Sustainable Development Goals.

As IDLO Director-General, Irene Khan, highlighted at the UN Summit on Sustainable Development in September: “clean government is as important as clean water.”

IDLO is already working in countries and communities in every region providing technical assistance, including capacity development, to enable national partners to promote equal protection, accountability and transparency based on rule of law and to support sustainable development in all its dimensions:

- for economic development, fair substantive laws and regulations and judicial procedures secure property rights, promote investment, and provide stability and certainty in commercial activities;
- for social development, rule of law counters discrimination and promotes equal access to rights and services;
- for environmental protection, it advances equitable and sustainable use of natural resources.

IDLO’s conference in Dar es Salaam in June 2016 -- *Achieving the 2030 Agenda: the Rule of Law as Driver for Sustainable Development* -- will provide a platform for using rule of law to advance sustainable development in Africa.

IDLO greatly values its long cooperation with the Council and OHCHR, including in the areas of women’s rights, freedom of religion, the rights of people with disabilities, business and human rights, as well as rule of law and access to justice in the Post-2015 Agenda.

We have heard the High Commissioner’s clear call for action in his opening address earlier this week, and we look forward to building on our cooperation with the Council and OHCHR and other organizations in the concrete realization of all human rights. Some specific opportunities, include:

- The *Forum on human rights, democracy and the rule of law*, established by the Council at its 28th session, and to which we stand ready to contribute. The *Forum* will be an important occasion and process to advance the linkages between rule of law, human rights, peace and security, and development.
- The Universal Periodic Review (UPR) will continue to be crucial in guiding national efforts to address gaps in the progressive realization of human rights for all. As the UPR moves into its third cycle and is measured by the extent to which its recommendations are implemented, IDLO stands ready to assist countries that may require support in their implementation efforts.
- The protection and promotion of the rights of refugees and migrants through the rule of law -- it is important to remember that human rights are universal and, under international law, belong to people on the move wherever they may be. We need to exploit the full potential of the rule of law and access to justice in protecting fundamental rights and in finding solutions.

Mr. President, in all of these areas, among others, IDLO stands ready to play its role, further strengthening its cooperation with the Council and OHCHR, as part of an increasingly inclusive and interconnected global partnership.

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.