

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

34TH 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,

Ladies and gentlemen,

It is an honor to address you today on behalf of the International Development Law Organization (IDLO), the only inter-governmental organization exclusively devoted to advancing the rule of law.

As many speakers at this High Level Segment have noted, we are living in a troubled and turbulent world in which human rights are under attack, universal values are being challenged and well-established principles of international law are being flouted with impunity.

Now more than ever, governments and the international community must work together to strengthen the rule of law as the fundamental means by which to protect and promote human rights.

The rule of law is most commonly understood as law enforcement, as predictability and compliance with rules, as procedural justice and due process. Yes, the rule of law is about those things but it is also about much, much more.

At its core the rule of law is about ensuring equality: about equal protection and equal benefit for all. It is about effective, transparent accountable institutions that provide justice and protect rights. The rule of law is as much about just outcomes as it is about fair process.

IDLO works in some of the poorest and most insecure parts of the world. To us, the link between the absence of the rule of law and the deprivation of human rights is palpably clear.

Insecurity and violence are major causes of human right violations. They thrive in the absence of the rule of law: when the police are too corrupt to protect people or investigate crime, or the courts are too weak to resolve disputes or dispense justice, or when governments are not willing to live up to their obligations under international law, including international humanitarian law and refugee law.

Inequality is often the consequence of the denial and abuse of human rights. It persists when the law does not protect against discrimination, when corruption and bribery

distort access to services, or when institutions enforce the law selectively in favor of the powerful and the privileged.

The rule of law operationalizes human rights through constitutional and legal protection, an independent and impartial judiciary, competent institutions, and effective remedies. The legal empowerment of people to access justice and claim their rights is also an integral aspect of the rule of law.

Without the rule of law, human rights are only promises on paper. Without human rights, the rule of law becomes a set of rigid, unfair and repressive rules.

Almost seventy years ago the preamble to the Universal Declaration of Human Rights recognized that "human rights should be protected by the rule of law".

Just eighteen months ago, the 2030 Agenda for Sustainable Development acknowledged the symbiotic relationship between human rights, the rule of law and sustainable development.

The 2030 Agenda incorporates access to justice, the rule of law and its underlying principles of equality, transparency and accountability explicitly in Goal 16 and implicitly in the other goals. Several SDGs refer to law and regulations as important means of eradicating discrimination and promoting inclusion, equal access and opportunity. Clear laws and effective institutions to ensure fair and equitable access to services will be crucial in advancing the rights to education, adequate housing, health care and a decent livelihood.

In countries as diverse as Afghanistan and Somalia, Mali and Myanmar, Kenya and Kyrgyzstan, Ukraine, Honduras and Tunisia, IDLO is working to support judicial and legal reforms, strengthen the capacity and integrity of legal and judicial institutions, promote access to justice, and fight discrimination and gender-based violence. All countries, regardless of their development status, need good laws and regulations that are fairly administered by transparent and accountable institutions and that produce fair outcomes.

Our work on the ground shows that national ownership is key to successful institution-building. This means respecting local needs and legal pluralism, but at the same time ensuring that international human rights standards and principles are fully respected and upheld

Laws and institutions are more responsive when people are empowered. That is why, alongside our institution-building work, we work also to promote legal empowerment so that rights holders can be equipped with the knowledge and tools to engage with those who administer the laws and institutions. Rights awareness, access to information and social mobilization are key components of our legal empowerment strategies. They are also powerful tools for bringing about greater transparency and accountability of institutions.

Laws and institutions often are too far removed from people living in poverty. Most poor people in developing countries turn to traditional or informal justice systems because they are more accessible and affordable. However, these systems often suffer from human rights deficiencies. Through our access to justice programs IDLO finds appropriate ways to engage with communities and other local stakeholders to address the weaknesses of informal justice systems while retaining their inherent strengths.

Mr. President,

The rule of law is not an abstract concept but a concrete basis on which to uphold human rights and eradicate poverty. It builds public trust and confidence, and creates more inclusive, peaceful and resilient societies. Better integration of the rule of law and human rights - conceptually and programmatically - will help resist the erosion of universal principles and values in these challenging times.

Building the rule of law takes vision, time and money. But it is one of the soundest investments that governments and the international community can make today.

I urge the Human Rights Council to encourage such investment and foster a richer understanding of the rule of law that incorporates human rights at its core. That is the key to a culture of justice that the world so badly needs, and that people everywhere so strongly desire and demand.

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.