



**REPUBLIC OF POLAND**  
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750 THIRD AVENUE, NEW YORK, NY 10017

TEL. (212) 744-2506

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

Agenda item 82

*S T A T E M E N T*

*BY*

***MR. SŁAWOMIR MAJSZYK***  
***HEAD OF THE UNIT***  
***LEGAL AND TREATY DEPARTMENT***  
***MINISTRY OF FOREIGN AFFAIRS***  
***OF THE REPUBLIC OF POLAND***

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Mr. Chairman,

At the beginning I would like to congratulate you and all other members of the Bureau on your elections.

On behalf of the Polish delegation I wish to present the position of my country on the rule of law at the national and international levels. Of course, Poland aligns itself with the statement made by the European Union on this agenda item.

This year marks the 100<sup>th</sup> anniversary of the outbreak of the First World War and the 75<sup>th</sup> anniversary of the outbreak of the Second World War. Poland was the first victim of that latter. These two anniversaries make it opportune to recall how important it is for the international community to maintain international peace and security.

The contemporary system of international security is based on all States' adherence to the principles enshrined in the United Nations Charter, especially the prohibition of threat or use of force, principle of territorial integrity, principle of political independence of States, and the principle that disputes should be resolved by peaceful means and in conformity with international law. It is the United Nations responsibility to ensure that the principles enshrined in the United Nations Charter are respected. Any departure from these solid principles may threaten international peace and security.

The rule of law is also one of the fundamental principles of international relations. As such it needs to be supported and strengthened by all states. We attach utmost importance to further joint and comprehensive activities of the international community to implement the rule of law both at the national and international levels. We believe the Declaration of the General Assembly High-Level Meeting on the rule of law at the national and international levels (A/Res/67/1) is an important point of reference for turning this principle into a solid foundation on which peace, international security, human rights and development should be built.

Poland welcomes the Reports of the UN Secretary-General on strengthening and coordinating United Nations rule of law activities, dated 11 July 2014 (A/68/213/Add.1) and 24 July 2014 (A/68/181). The reports correctly identify linkages between the rule of law and human rights, peace, international security and development; they also sum up activities taken to date, and propose new mechanisms and forms of activities to implement this principle. These dimensions of the rule of law should be closely cross related and analysed. Further development of this rule should include a multifaceted approach, which will facilitate its full implementation both at the national and at international levels.

It is crucial to determine priorities for further actions and to set out principles of coordination of and cooperation among the institutions involved in this process. While appreciating the actions taken so far and stressing the need for their continuation, we should at the same time consider other measures that might contribute to full and comprehensive implementation of this principle at the national and international levels.

Such measures could be undertaken in the following areas:

- Increasing international support for democratic election processes in Member States and establishing an efficient justice system for electoral proceedings;
- Establishing and strengthening a justice system for administrative proceedings;
- Empowering local governments so they are able to exercise the rule of law at the local and regional levels;
- Reinforcing diplomatic efforts in order to effectively prevent and deescalate conflicts, as well as ensuring comprehensive and consistent approach to defining mandates of peace-keeping missions aimed at successful eradication of sources of conflicts and instability of States.

Mr. Chairman,

Let me also present some observations on “*Sharing States’ national practises in strengthening the rule of law through access to justice*”, which is the subtopic of this debate.

The right of access to justice is crucial to individuals; it guarantees the effectiveness of their rights and enables them to exercise these rights. Without it the individual would not be able to seek his or her rights or claim compensation for the suffered damage.

It should be stressed that due exercise of the right of access to justice should allow individuals to exercise their right to fair and clear hearing of a case by independent and impartial court; to obtain legal advice or to be assisted by public defender and representative; to receive legal assistance when someone is not able to speak before the court in his or her own name and in case someone is not able to bear the expenses of legal assistance; and to have the case examined within reasonable time and obtain adequate legal remedy. It is essential that efforts be taken to eliminate discrimination on the grounds of sex, racial or ethnic background, sexual orientation, age, disability, religion and belief. It is also important to consistently take steps to remove restrictions in access to dispute settlement procedures, such as deadlines for lodging complaints, legal personality to appear in court proceedings, and the amount of legal fees, as well as to ensure access to extra-judicial procedures in order to obtain compensation.

We believe that it is also necessary to strengthen international system of justice. This can be achieved e.g. by reinforcing the role of the International Court of Justice, if the Court’s mandatory jurisdiction is accepted by as many states as possible, and, by ensuring universal application of the Rome Statue of the International Criminal Court and accountability for the most serious crimes of concern of the international community. To ensure broad access to justice for individuals, the largest possible number of states should ratify or accede to international treaties, which establish procedures for submitting human rights complaints to extra-judicial bodies monitoring the implementation of such treaties. It is also reasonable to strengthen legal and institutional instruments to monitor the compliance with obligations under international human rights law and international humanitarian law.

Mr. Chairman,

Poland has been gradually implementing its pledges and the pledges presented by the European Union during the High-Level Meeting of the UN General Assembly on the rule of law at the national and international levels on 24 September 2012.

We have been taking a range of measures to ensure efficient functioning of our judicial system. These measures consist mostly in increasing the efficiency of criminal proceedings; accelerating and simplifying civil proceedings; enhancing the protection of children who are victims of crime and the protection of people who are victims of sexual crime and human trafficking.

We also acknowledge the important role of ensuring legal assistance to people living in poverty. In this case, it is crucial that the principle of equality before courts is implemented not only in the formal aspect, but also in reality. Access to free legal assistance should be provided both during court proceedings and during extra-judicial procedures.

Over the past few years the Polish Ministry of Justice has been implementing the project "Improving public access to justice," which provided for, among others, opportunities for broad access to information about law, educational campaigns for young people and students, improvements in the quality of service for the parties at courts, and expanding alternative methods of dispute resolution.

Mr. Chairman,

Let me express my confidence that our common effort will strengthen the rule of law at the national and international levels, and will provide adequate response to challenges and threats the international community is facing today.

Thank you, Mr. Chairman