

Check against delivery

**High Level Meeting on the Rule of Law
at the National and International Level**



Statement by

**Ms. Navanethem Pillay,
High Commissioner for Human Rights**

United Nation General Assembly

New York, 24 September 2012

Mr. President,
Distinguished Members of the General Assembly,
Excellencies,
Ladies and Gentlemen,

The rule of law constitutes the backbone for the legal protection of human rights. In addition, the rule of law itself must be grounded in human rights. Growing up in South Africa, I experienced how the Apartheid regime created a veneer of a “rule of law” based on legislation that institutionalized injustice and procedures that embodied unfairness. My experience has shown me that rule of law without human rights is only an empty shell.

My Office, including through its 58 field presences, works with national stakeholders, to build strong and responsive institutions that constitute prerequisites for any legitimate and effective system of governance based on rule of law and respectful of human rights. We also support the establishment and functioning of comprehensive accountability frameworks to address human rights violations, including transitional justice mechanisms compliant with international standards and norms.

Based on our experience in the field, I cannot stress enough the importance of national ownership of rule of law principles. National action as well as international support to

strengthen the rule of law on the ground must be based on the body of international human rights law developed mainly under the auspices of the United Nations. The International Court of Justice has contributed to national ownership of this body of law through its jurisprudence that sheds light on the scope of States' legal obligations deriving from international human rights instruments. Further clarification of these obligations is provided by treaty bodies and special procedures of the Human Rights Council – both of which are supported by my Office.

In this context, I urge States to use the opportunity of this Meeting to commit, if they have not yet done so, to becoming party to all international human rights treaties, withdrawing remaining reservations and accepting the jurisdiction of the ICJ and treaty body individual complaints procedures.

Mr. President, Excellencies,

Respect for the rule of law also demands full compliance with the principles of equality before the law, equal protection of the law and the prohibition of discrimination on any ground such as race, colour, sex, sexual orientation, gender identity, disability, language, religion, political or other opinion, national or social origin, property, birth or other status. States must examine their

laws and repeal those that are discriminatory in their intent or effect.

In addition, respect for the rule of law requires putting in place effective accountability mechanisms for human rights violations. No one is above the law. Combating impunity requires that international crimes and other gross human rights violations must not be subject to amnesties or functional immunities. I urge States to ensure accountability, notably by ratifying the Statute of the International Criminal Court and to ensure strong domestic judicial systems to properly implement the principle of complementarity pursuant to the ICC.

Accountability, however, must extend beyond the criminal law realm to include responsive civil and administrative policies and procedures to address grievances and, when required, effective vetting processes. Also, we must ensure respect for victims' rights to effective remedies and reparation for human rights violations. In this regard, special consideration must be given to groups most affected, especially those too often excluded such as victims of sexual and gender-based violence.

Furthermore, the right to access justice and legal aid should be respected and ensured. Civil society organisations play a crucial role in empowering people. States should strengthen their support to them and make sure that everyone can enjoy the rights

to freedom of expression, association and peaceful assembly.

Allow me to conclude that the rule of law is best served when all individuals are empowered to claim their rights.

Thank you for your kind attention.