

New Vision of the Secretary-General for the Rule of Law

Introduction

"In support of efforts to put people at the centre of justice systems, I will promote a new vision for the rule of law."

—Our Common Agenda (A/75/982)

Our global community is threatened by persistent and flagrant human rights violations, increasingly complex conflicts and the triple planetary crisis of climate change, pollution and a dramatic loss of biodiversity. The COVID-19 pandemic has forced us to recognise just how vulnerable we are to inequality, discrimination, abuses of power, crime and violence.

We are experiencing a global decline in respect for the rule of law,² exacerbated by escalating conflicts and weakening national institutions. This is evident in increased repression, political polarization, corruption, disregard for international law, growing inequality, the instrumentalization of justice institutions, mounting crime, terrorism, attacks on human rights and the shrinking of civic space. Manipulation of the media – particularly social media – and the decline of press freedom, have fostered disinformation and undermined trust.

We must address these challenges. While the world has changed greatly since the founding of the United Nations, “We the peoples” remain determined to prevent conflict and promote human rights, justice and social progress. If we

want, in unity, to forge a new social contract and create lasting solutions, the rule of law and achieving Agenda 2030 must be at the centre of our efforts.

Our Common Agenda aims to reinvigorate the values of trust and solidarity among people – values that are needed to rebuild our world and secure a better, more sustainable future for our people and our planet. This can only be achieved by strengthening the rule of law at the national and international levels in a way that increases people’s engagement, enhances equal access to justice for all, places gender equality at the centre, protects our planet, invests in future generations, properly manages data and digital technology, improves resilience and turns the tide on the spread of mis- and disinformation. We must support a free and independent media and its essential role in strengthening the rule of law.

Under this New Vision for the Rule of Law, the steps taken by Member States to strengthen the rule of law serve as the foundation upon which all our efforts to address today’s challenges are based. This Vision grows from our collective commitment to a peaceful, prosperous and just world, with people at its centre.

THE ORGANIZATION AND A NEW VISION

This Vision is built upon the central tenet that, while we support States to strengthen their rule of law institutions, people must be at the centre of these efforts. Member States should fulfil their obligation to promote universal respect for

¹ “The ‘rule of law’ is a concept at the very heart of the Organization’s mission. It refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.” (S/2004/616)

and protection of human rights and fundamental freedoms, in accordance with the Charter of the United Nations, and international human rights law. To better respond to developing and diversifying needs, such as those related to the triple planetary crisis and new technologies, the Organization's efforts must be more forward-looking, while building upon the support and capacity-building programmes it has traditionally provided.

To achieve this, the Organization will reinforce the centrality of the rule of law in all its activities and will mainstream this Vision across its work. In order to enhance the combined strengths of the full system, we will advance cohesion among entities that provide rule of law support, including Country Teams, peacekeeping operations and special political missions.

Strengthening the rule of law is a long-term endeavour, although immediate short-term interventions are often necessary to advance accountability, protect civilians and establish a safe and secure environment. Rule of law support enables the development of just and equitable societies with strong institutions that protect populations both in conflict and in peacetime. Long-term efforts involve the engagement of United Nations entities through flexible coordination mechanisms such as the Global Focal Point for Rule of Law. Joint rule of law programming, preferably with diverse, sustainable long-term funding, is crucial to these efforts. All stakeholders – Member States, regional organizations, civil society and the private sector – should be engaged in realizing this Vision.

This is the basis of our renewed commitment to the rule of law.

The New Vision

THE RULE OF LAW IS THE FOUNDATION FOR PEACE

The rule of law is fundamental to lasting peace and security. It is the foundation for conflict prevention, peace-making, peacekeeping, sustaining peace and peacebuilding. It is essential for addressing injustices and inequalities that fuel conflict and for protecting civilians in crisis and post-conflict situations. Reinvigorated efforts are needed to support the peaceful resolution of disputes; ensure accountability for serious crimes and violations of international law including conflict-related sexual violence; address the threat of terrorism; extend the authority and legitimacy of the State; restore trust and social cohesion; and contribute to the implementation of peace agreements.

Under the Vision, national efforts and international cooperation to prevent and combat corruption, transnational organized crime and terrorism will be fostered and supported, while never forgetting those who are victimized by these crimes. Community-oriented policing and integrated security and crime prevention plans that address discrimination, and that incorporate community engagement and local ownership, will help build trust between justice and security institutions and the people they serve.

We must support efforts to address prolonged and arbitrary detention, overcrowding and other inhuman conditions in prisons that can destabilize societies and radicalize detainees. Those deprived of liberty must be treated with respect and protected from all forms of torture and ill-treatment. Additional efforts are needed to make prisons safe, secure and humane and to employ alternatives to incarceration where appropriate. Fostering the rehabilitation and reintegration of offenders into society is essential for reducing recidivism and for making communities safer.

A holistic approach to transitional justice, including criminal accountability, truth-seeking, reparations and guarantees of non-recurrence, will help build the foundation for reconciliation and lasting peace.

Those seeking justice must also be able to capitalize on the availability and public legitimacy of customary and informal justice mechanisms that operate in line with international human rights standards, and that contribute to peace.

ACTION

The Organization will prioritize rule of law support as essential to its broader peace and security engagement.

THE RULE OF LAW CALLS FOR UNWAVERING RESPECT FOR ALL HUMAN RIGHTS

If it is to serve the people, then the rule of law must be fully aligned with human rights, including economic, social, and cultural rights, as reflected in my Call to Action for Human Rights. Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law.

We need to move urgently and collectively towards more transparent, inclusive and responsive justice systems. Judiciaries must be independent and free from political interference. Individuals and groups facing systemic prejudice, bias and stereotypes must be afforded fair treatment in criminal and civil justice systems. Due attention must be given to the rights of victims and witnesses as well as to

the rights of those in conflict with the law. Children should have access to specialized and efficient justice institutions and be recognized as fully-fledged and distinct rights holders. The best interests of the child shall always be the primary consideration.

ACTION

In recognition of the inherent dignity of all members of the human family, the Organization will encourage and support Member States in their efforts to respect, protect and fulfil their human rights obligations and commitments, and implement recommendations stemming from United Nations human rights mechanisms, including the human rights treaty bodies and the Human Rights Council's Universal Periodic Review process and special procedures. Responses to security threats, including those posed by crime and terrorism, will be anchored in human rights and the rule of law, ensuring their effectiveness and sustainability.

THE RULE OF LAW IS DEEPLY INTERLINKED WITH DEVELOPMENT

The rule of law is essential for sustainable development and is a whole of society endeavour. Sustainable Development Goal (SDG) 16 on peace, justice and strong institutions is a key enabler of the implementation of *all* SDGs. The rule of law demands the delivery of effective, non-discriminatory, inclusive public policies that address poverty, injustice and exclusion and enable people to live dignified lives.

The rule of law also requires that all persons be equal before the law and equally accountable under the law, and that justice be predictable, clear and imbued with guarantees of due process. Just as people are not above the law, neither is the State, and there must be accountability, openness and transparency in State decision-making processes and actions. Without accountability, applied fairly and even-handedly,

the rule of law loses vitality and relevance in communities and societies, and respect for the rule of law erodes with potentially far-reaching effects across all sectors of public and private life.

Corruption obstructs economic growth and human development, generates mistrust, erodes the legitimacy of State institutions and threatens peace and security. We must advance our efforts to foster accountability, transparency and good governance, increasing trust in institutions and safeguarding the enjoyment of human rights.

ACTION

In striving to achieve the SDGs, the Organization will further aim to improve the quality of the rule of law assistance provided to Member States, upon their request, as well as strengthen capacities to prevent, detect and investigate corruption.

THE RULE OF LAW IS PEOPLE-CENTRED

A people-centred approach to the rule of law inspires policies, laws and institutions that are better able to protect and uphold the rights of all individuals, including rights to equality and non-discrimination, so that no one is left behind. It helps build confidence and trust, which is at the heart of the social contract.

People-centredness means that laws and justice institutions are accessible to every person, user-friendly, non-discriminatory, fair, and focused on solutions and remedies that address people's needs and deliver better outcomes. Rule of law institutions that are inclusive, representative, responsive and accountable to those they serve will better address the multi-faceted discriminations and rights violations that individuals and communities face.

A people-centred approach provides for the meaningful engagement of women, minorities,

migrants, indigenous peoples, persons with disabilities, children, young people, LGBTQI+ individuals, older persons, refugees, internally displaced persons, stateless persons, marginalized communities and others with specific needs.

A people-centred approach recognizes the relationship between human beings and the planet and addresses crises that degrade the right to a clean, healthy and sustainable environment, and negatively impact peace and security, human rights and development.

ACTION

In fulfilment of its pledge to leave no one behind and to help rebuild trust and renew the social contract between Governments and their people, the Organization will ensure that its initiatives empower all people, including youth, to meaningfully engage in their communities as agents of change and peacebuilders, and reach those most left behind.

THE RULE OF LAW ADVANCES GENDER EQUALITY

Effective and inclusive rule of law institutions are foundational to efforts to advance gender equality, enabling women, girls and boys to claim their human rights on equal footing. Equal representation of women in rule of law institutions requires dedicated efforts to recruit, retain and promote women and eliminate workplace discrimination.

Rule of law programmes that are based on a gender analysis and which enable full, equal and meaningful participation are more effective at protecting and promoting gender equality and advancing the rule of law in societies. Women must be involved as equal decision makers and actors in all instances, including as negotiators in peace processes, as human rights defenders, and as leaders.

ACTION

The Organization will support Member States' efforts to address systemic and persistent barriers, such as gender stereotyping, discriminatory laws, intersecting or compounded discrimination, and discriminatory procedural and evidentiary requirements and practices. The Organization will also ensure as much in all aspects of its own work.

THE RULE OF LAW IS THE BASIS OF AN INTERNATIONAL SYSTEM THAT RELIES UPON SHARED RESPONSIBILITY AND COOPERATION

The United Nations reaffirms its commitment to the purposes and principles of its Charter and to an international system based upon the rule of law.

At the international level, the rule of law gives predictability and legitimacy to international relations. Member States' compliance with their obligations under international law is essential for the maintenance of international peace and security, for international cooperation, and ultimately to protect the people.

In this regard, international law contributes to the rule of law through the frameworks and processes it provides for compliance with international law. Under the Charter, the parties to any dispute must settle it through the peaceful means of their own choice, including through adjudication by the principal judicial organ of the United Nations, the International Court of Justice, which can also provide, upon request, advisory opinions on any legal question.

We must work with determination and resilience towards ending impunity for genocide, war crimes, crimes against humanity and for violations of international humanitarian law and international human rights law. With this goal in

mind, domestic mechanisms, and international mechanisms and tribunals where needed, that seek justice and truth in the face of atrocities warrant our full support.

ACTION

Recognizing that the rule of law applies to all Member States equally and to international organizations, the Organization will remain a tireless promoter of the values in its Charter, as well as the principles enshrined in the 2012 Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels.¹

Upon request, we will support Member States' efforts to promote accountability consistent with international standards. Further to this commitment to accountability, we will also strengthen and better coordinate our support for international accountability mechanisms, including tribunals, commissions of inquiry, fact-finding missions and international investigative mechanisms, in line with their mandates.

THE RULE OF LAW MUST BE FORWARD-LOOKING TO ADDRESS NEW AND EMERGING ISSUES

As the world changes at an unprecedented rate, the approach to supporting Member States to strengthen the rule of law at the national, regional and international levels must keep pace.

The rule of law must exist in the digital sphere as it does in the physical world. To ensure this, international human rights and protection standards must apply to new technologies and include safeguards for the responsible use of digital technologies and artificial intelligence. The use of technology by Member States must

also be consistent with international human rights standards, and Member States' efforts to address eventual normative gaps in international law will be supported.

Technology also has the potential to transform justice systems by increasing accessibility and accountability, and its use must comply with fair trial, privacy and other human rights standards. To leverage the positive effects of technology, it is imperative to address the digital divide, especially for those in vulnerable situations.

ACTION

To secure a better world for future generations, the Organization will work with Member States and all relevant stakeholders to ensure that rule of law assistance and capacity-building are responsive to the ever-changing global landscape and people's needs.

RELIABLE DATA AND EVIDENCE ARE KEY TO PROMOTING THE RULE OF LAW

One of the primary roles of the United Nations is as a source of reliable data and evidence, providing the public with verified information to help the world understand risks and opportunities, as well as guide policymaking. A rigorous and comprehensive approach needs to guide research, monitoring and evaluation. The use of research findings from diverse communities is a fundamental component of the pledge to leave no one behind.

Evidence-based approaches are essential to effective advocacy, strategies and programming on the rule of law. In many parts of the world, there is a shortage of usable and accessible data about local realities, including the multicultural and multilingual nature of many settings. Increasing public access to data, in full re-

² A/RES/67/1.

spect for the right to privacy, and diversifying data sources should be prioritized and supported.

Rule of law programmes must strive to support the exchange of knowledge and expertise among academics, policy makers, professionals and civil society, from diverse legal, linguistic, geographic and social backgrounds.

ACTION

The Organization will focus on developing and maintaining robust data collection and analysis on rule of law initiatives and will enable public access to such information.

The Way Forward

The vision of the United Nations is a peaceful, prosperous and just world, governed by the rule of law and human rights, with people at its centre. Our rule of law assistance will support Member States, communities and individuals to rebuild the social contract as a foundation for sustainable peace.

I call upon Member States to reaffirm their commitment to the rule of law at the international and national levels in order to meet today's challenges.

I call upon all people to recognize how the rule of law impacts their daily lives, not just that of lawyers, judges or those who come into contact with justice systems. The rule of law is the means through which we can promote the well-being of all.

I call upon stakeholders, including regional organizations, international financial institutions, civil society, the private sector, the scientific community, academia and the media, to take an active role in promoting the rule of law.

And I call upon the Organization to integrate the following elements into its work:

First, we will recognize the fundamental importance of the rule of law as the basis for multilateral cooperation and political dialogue, in accordance with the United Nations Charter, and as a central tenet of all work done by the United Nations.

Second, rule of law support will have a people-centred focus, pursuing an inclusive and rights-respecting approach to delivering justice at all levels, including for current and future generations.

Third, rule of law programming will always include the promotion of gender equality and will prioritize the rights of women, girls and boys to

meet their individual needs and ensure their meaningful participation.

Fourth, United Nations rule of law programmes will give due regard to new and evolving issues, as prioritized by Member States, including but not limited to the development, deployment and responsible use of technologies, a global economy that works for all and a healthy planet.

Fifth, support will continue to Member States, upon their request, in the national implementation of their respective international obligations and national and regional rule of law initiatives. United Nations intergovernmental bodies will be encouraged to provide mandates and increase funding for rule of law programmes.

Sixth, at the field level, rule of law initiatives must be appropriate to the country's context and be led by national counterparts. The senior United Nations official in each country setting will be responsible and accountable for guiding and overseeing United Nations rule of law strategies.

Seventh, it will be a priority to work with all stakeholders to ensure that adequate, predictable and sustained funding is available for rule of law initiatives.

Eighth, we will enhance our system-wide engagement on the rule of law. In this regard, the Deputy Secretary-General will revitalize the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, to ensure that this New Vision is prioritized and considered in strategic planning and policy discussions at the highest levels of the Organization.

Ninth, the Global Focal Point for the Rule of Law will enhance its headquarters coordination role for assistance to the field, while United Nations common position papers and Guidance Notes of the Secretary-General provide a common posture for our engagement.

Finally, I call upon all United Nations entities to incorporate this New Vision for the Rule of Law into their planning frameworks.