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Excellency,

In Resolution 65/32, the General Assembly decided to convene a meeting on the rule of law at the national and international levels during the high-level segment of its sixty-seventh session, on 24 September 2012. This meeting constitutes a timely occasion for Member States of the United Nations to reaffirm their commitment to strengthen the rule of law at national and international levels.

As High Commissioner for Human Rights, I consider the rule of law as the backbone of legal protection of human rights. My Office, including through our 58 field presences with near global coverage, has devoted specific attention to supporting national capacity to strengthen the rule of law and combating impunity. Our areas of focus include: supporting transitional justice processes; ensuring access to justice for individuals and groups facing discrimination; enhancing the framework for accountability for human rights violations, in full consideration of the specific needs of victims; increasing human rights protection in the administration of justice and; ensuring that national legislation is in conformity with international human rights standards.

In this context, I write to highlight some issues that you may wish to consider while drafting the Declaration to be adopted at the High Level Meeting. These issues relate to the four main components of the rule of law: legality, equality, accountability and participation.

My comments are based on the declarations made by Heads of States and Governments at the 2005 World Summit, in particular the renewal of their commitment to actively protect and promote human rights, the rule of law and democracy, in full recognition of their interdependence and mutually reinforcing nature. In 2005, Heads of State and Government also reaffirmed their solemn commitment to fulfil their obligations to promote universal respect for, and the observance and protection of, human rights and fundamental freedoms for all in accordance with the Charter, the Universal Declaration of Human Rights and other instruments relating to human rights and international law. Seven years later, there is an expectation that the High Level Meeting on the Rule of Law will move the world forward on these essential commitments.

To all Permanent Missions of the United Nations in New York and Geneva

I would like to highlight, as based on experience, the importance of national ownership of rule of law principles. Such ownership, together with strong and accountable institutions, and transparent and inclusive decision-making processes, constitute prerequisites for a legitimate and effective system of governance that is respectful of human rights.

With regard to legality, the body of international human rights norms and standards developed under the auspices of the United Nations constitutes one of the greatest achievements in the sphere of the rule of law at the international level. These norms and standards must be the foundation of the rule of law at the national level, and States must embrace nationally what they committed to internationally. The High-Level Meeting provides an opportunity for Member States that have not yet done so to commit or renew their commitment to becoming party to international human rights treaties and to review and remove any reservations to treaties to which they are party. I also appeal to Member States to commit or renew their commitment to implement consistently and fully all international human rights legal instruments, to fulfil their reporting obligations to human rights treaty bodies, and to put in place efficient mechanisms to ensure follow-up to recommendations of these bodies.

Equality before the law and equal protection of the law constitute the fundamental basis for the protection of all human rights. This requirement of equality compels an examination of the objective and content of laws. I therefore call on all States to commit or renew their commitment to repealing laws that may be discriminatory.

With regard to accountability, combating impunity is key to increasing public trust in justice and security institutions, and to building the rule of law and sustainable peace. I also strongly believe that victims must take a central place in any system of accountability for international crimes and other gross violations of human rights; they must be provided with adequate remedies, including prompt and effective redress and reparations. In this connection, I appeal to all Member States to commit or re-iterate their commitment during the High-Level Meeting to: ensuring accountability for international crimes and other gross violations of human rights; not granting or endorsing amnesties for such crimes and gross violations, and; supporting through adequate legislation compliant with relevant international standards and norms, the establishment of transitional justice mechanisms aimed at establishing truth, justice, reparations and guarantees of non-recurrence.

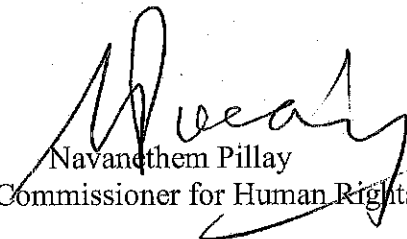
Effective participation in public affairs is not only an essential governance principle, it is also a human right. Free, active and meaningful participation is central to development; it includes empowerment to provide the capacity and capability for people to change their lives, improve their communities and influence their own destinies. In addition, ensuring access to justice for all, including through adequate legal aid services, is key to advancing the rule of law.



Recent experience has also confirmed that the important factor behind successful programmes aimed at addressing impunity is broad consultation and participation in the design and implementation of such programmes of all concerned, including victims and the most vulnerable and disadvantaged individuals and groups. I would also like to highlight the important contribution of civil society organizations to ensuring adequate participation, especially by empowering and informing individuals. Therefore, Member States should commit or re-iterate their commitment to supporting civil society organizations through the necessary legislative framework granting all individuals under their jurisdiction the full enjoyment of the right to freedom of expression, association and assembly.

We entered the twenty-first century with many of the same challenges as the previous century, including lack of rule of law leading to brutal conflict, oppressive rule and violations of human rights, whether civil, political, or economic, social or cultural. We also entered this new era with hope that progress was possible. A strong message at the High Level Meeting, which affirms that the rule of law embodies the above-mentioned principles will contribute to ensuring that such hope materialises.

Please accept, Excellency, the assurances of my highest consideration.



Navanethem Pillay  
High Commissioner for Human Rights