



## **UN Forum on Human Rights, Democracy and Rule of Law**

*Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection*

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### **Making justice truly accessible to all**

*Speaker: Catherine Kent, Programme Lawyer, International Bar Association's Human Rights Institute*

Thank you, Chair.

The International Bar Association's Human Rights Institute welcomes this panel discussion on making justice truly accessible to all.

Access to justice is a fundamental human right, a basic principle of the rule of law and central to Sustainable Development Goal 16. We emphasise the impact that intersectional discrimination has on the enjoyment of equal access to justice, thereby also invoking the principle of equality before the law and the right to equal protection of the law without discrimination.

In this regard, we note that people in situations of vulnerability face structural and practical barriers that prevent them from seeking and obtaining equal access to justice. In particular, research has shown that women and religious minorities tend to have lower access to justice in relation to both formal and informal justice systems.<sup>1</sup>

We call on States to ensure that all people in situations of vulnerability are legally empowered. In the context of the criminal justice system, this requires, *inter alia*, the full realisation of the right to effective legal

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<sup>1</sup> The Danish Institute for Human Rights. *Promoting Freedom of Religion or Belief and Gender Equality in the Context of the Sustainable Development Goals: A Focus on Access to Justice, Education and Health* (2020) available at: <[https://www.humanrights.dk/sites/humanrights.dk/files/media/document/\\_%2019\\_02922-22%20freedom\\_of\\_religion\\_or\\_belief\\_gender\\_equality\\_and\\_the\\_sustainable\\_development\\_%20fd%20487747\\_1\\_1.PD](https://www.humanrights.dk/sites/humanrights.dk/files/media/document/_%2019_02922-22%20freedom_of_religion_or_belief_gender_equality_and_the_sustainable_development_%20fd%20487747_1_1.PD)> pg. 27.

representation and to legal aid. We further call on States to ensure that justice systems are sensitive and responsive to the needs and realities of all.<sup>2</sup>

We would also like to highlight the challenge that military jurisdiction over gross human rights violations poses to access to justice for victims. Too often, military justice systems have jurisdiction to investigate, prosecute and punish military personnel who have committed such crimes.

As the UN Special Rapporteur on the Independence of Judges and Lawyers has noted, the administration of justice through military courts and tribunals raises serious concerns in terms of, *inter alia*, access to justice, impunity for human rights abuses and the independence and impartiality of military tribunals.<sup>3</sup>

We therefore call on States to:

1. In line with international human rights standards, ensure that ordinary criminal justice systems investigate, prosecute and punish perpetrators of human rights violations, including when the alleged acts were committed by military personnel.
2. Elevate this issue within the UN agenda given its impact on and inter-connection with protecting and promoting human rights, upholding the rule of law, and achieving SDG 16.

Thank you.

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<sup>2</sup> Ibid., pg. 27.

<sup>3</sup> UNGA. *Report of the Special Rapporteur on the independence of judges and lawyers* (7 August 2013) UN Doc A/68/285 [14].