**2021 United Nations Forum on Human Rights, Democracy and the Rule of Law**

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

**Opening statement by Michelle Bachelet, UN High Commissioner for Human Rights**

16 November 2021

Distinguished President of the Council,

Madame Chairperson,

Excellencies,

Colleagues and Friends,

I am glad to open this third session of the Forum, which continues to provide a space for dialogue and cooperation, where States and other stakeholders can share their challenges, opportunities and best practices in advancing human rights, democracy and the rule of law.

This year's theme – equal access to justice – is central to these three principles.

Access to justice is fundamental to **democracy**. It ensures people can raise complaints, challenge discrimination and other violations, obtain redress and hold decision-makers accountable.

Access to justice is essential to the **rule of law**, ensuring equal and independent adjudication of norms that bind not only all people, but also all institutions and entities – both public and private, including the State itself.

Access to justice is an expression of **human rights**, intrinsically linked to the right to an effective remedy; the right to equality before the courts and to a fair trial; the right to equality and non-discrimination; and to the protection and advancement of all other human rights. Through the assertion of accountability and its deterrent effect, access to justice is essential for preventing further human rights violations – and this is key to sustaining both peace and development. The inclusion of access to justice in the Sustainable Development Goal 16 is a clear indication of its key role.

Yet two years ago, the Task Force on Justice [found](https://bf889554-6857-4cfe-8d55-8770007b8841.filesusr.com/ugd/90b3d6_746fc8e4f9404abeb994928d3fe85c9e.pdf) that more than five billion people – two-thirds of the world’s population – lack meaningful access to justice.

This “**global justice gap**” affects mainly economically marginalized individuals, women, persons with disabilities, people of African descent, children, indigenous peoples, LGBTI people, and minorities. Systemic discrimination based on ethnicity, race, gender, or economic status is often at the core of the problem.

The overwhelming difficulties impeding access to justice for people of African descent whose family members have been killed by law enforcement officials – including in many of the world's most developed countries – have been documented by my Office, including in a [report](https://www.ohchr.org/EN/NewsEvents/Pages/HC-report-systemic-racism.aspx) this year.

The pandemic has exacerbated these long-standing and deeply worrying issues. Emergency measures have restricted access to courts, suspended judicial and prosecutorial activities, and slowed down operations precisely when legal oversight, protection, and services were most needed. Here, again, marginalized groups have been particularly affected.

In addition to these structural obstacles to justice, judicial actors in many parts of the world, face **harassment and attacks** –to prevent justice being done. Judges and others are also targeted for upholding their rightful role as “checks and balances” essential to every democracy. In a recent [report](https://undocs.org/A/75/172), the Special Rapporteur on the Independence of Judges and Lawyers documented patterns of retaliation against judges that interfere with the legitimate exercise of their profession. Judges dealing with politically sensitive cases are particularly exposed to these sanctions.

These trends are profoundly corrosive of social cohesion. People’s experience of injustice increases the likelihood that they will continue to be pushed further and further behind. It also **reduces civic trust** in the institutions of society, increasing the perception that corruption and bias skew the system to treat their communities unfairly. In many countries, the judiciary is among the least trusted institutions. In [some circumstances](https://www.ohchr.org/Documents/Issues/Racism/A_HRC_47_CRP_1.pdf) this has led to under-reporting of violations and abuses.

Madam President,

In view of this critical situation, the Secretary-General has identified justice as an essential dimension of the new social contract he calls for in his [Common Agenda](https://www.un.org/en/un75/common-agenda).

To rebuild from the pandemic on a sound foundation of respect and equality, it is urgent – and feasible – to both improve the functioning of the judiciary and make justice truly accessible to all.

First, **trust must be restored**. Confidence in public institutions is critical to enhance people’s cooperation. In this context, I want to highlight the profound gender trust gap in many societies. Evidence demonstrates that women trust public institutions less than men. Structural inequalities, discrimination, gender power dynamics, and exclusion from decision-making are all factors – and this lack of trust is often amplified when women also endure discrimination as members of racial or religious minorities,

To regain people’s trust, public institutions need to demonstrate their respect for human rights. They must be truly inclusive, responsive, effective, and accountable to all members of society. Taking firm action to tackle corruption is also important.

My second point: **meaningful participation is essential**. People should be involved in identifying gaps and finding solutions to the obstacles they face in accessing justice. Initiatives aiming at supporting legal education; access to legal information; and human rights education are concrete steps towards empowerment. Evidence shows that promoting participation can have a positive impact on levels of trust. More participation will also contribute to justice systems that are more gender-sensitive, sustainable and responsive to everyone’s needs, without discrimination.

My third point, and this is related – **justice needs to be people-centred**. This starts by placing people’s needs and solutions at the centre of justice institutions. A people-centred, human rights- based approach to legal services must tackle existing power imbalances and make these services less condescending and more approachable, available and responsive. Human rights-compliant formal and informal justice systems build societies that respect and empower every person – with very powerful and positive ripple effects.

Finally, to ensure the **independence of judicial systems**, judges, lawyers and prosecutors must be free of all interference, pressure or threat that might affect the impartiality of their work. Undue pressure – and corruption – in justice systems undermines the rule of law and their ability to guarantee the protection of human rights. States must adopt measures to protect the independence of the judiciary, and hold accountable those who attempt to interfere with the judicial profession.

I am sure that your discussions will provide additional ideas. I look forward to concrete and actionable recommendations coming out of this Forum, and count on the cooperation of States in implementing them.

Thank you very much.