



**EUROPEAN UNION**  
Delegation of the European Union  
to the United Nations

NOTE VERBALE

The Delegation of the European Union to the United Nations presents its compliments to the Executive Office of the Secretary-General of the United Nations and has the honour to attach herewith the pledge registration form containing pledges of the European Union and its Member States to be made on the occasion of the forthcoming High Level Meeting on the Rule of Law on 24 September 2012.

The Delegation of the European Union to the United Nations avails itself of this opportunity to renew to the Executive Office of the Secretary-General of the United Nations the assurances of its highest consideration.

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Rule of Law Unit  
Executive Office of the Secretary-General  
United Nations  
email: [rule-of-law@un.org](mailto:rule-of-law@un.org)  
Fax 212 963 2030

Delegation of the European Union to the United Nations  
666 Third Avenue, 31<sup>st</sup> Floor, New York, NY 10017  
Telephone: 212-401-0154 – Fax: 212-292-8680

*High-level meeting on the rule of law at the national and international levels*

**Pledge registration form**

The rule of law belongs to the fundamental principles on which the European Union is founded. The European Union strives to strengthen the rule of law in its Member States and promote of the rule of law in the third countries. Therefore, the European Union and its Member States (Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland) hereby pledge:

**A. Strengthening the rule of law at the international level**

1. The EU Member States reiterate their pledges made at the 31<sup>st</sup> Conference of the Red Cross and Red Crescent (Geneva, 28 November – 1 December 2011) to consider ratification of the 2006 Convention for the Protection of All Persons from Enforced Disappearance and the principal international humanitarian law instruments and other relevant legal instruments which have an impact on international humanitarian law to which they are not yet all party, namely:

- Additional Protocol III to the Geneva Conventions;
- The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its First and Second Protocols;
- The Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict;
- The Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines;
- Protocol II, as amended on 3 May 1996, and Protocol V to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;
- The Convention on the prohibition of military use of environmental modification techniques.

2. The EU Member States which have not yet done so will consider ratifying or acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. The EU Member States which have not yet done so will consider accepting the right of individual complaint under the UN Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the UN Convention on the Rights of Persons with Disabilities.

4. The EU Member States which have not yet done so pledge to address the issue of statelessness by ratifying the 1954 UN Convention relating to the Status of Stateless Persons and by considering the ratification of the 1961 UN Convention on the Reduction of Statelessness.

## **B. Strengthening the rule of law at the national level**

### **1. Improving delivery of justice**

5. The EU will conduct a worldwide campaign on justice, focusing on the right to a fair trial, with a view to achieving results by 2014.

6. As demonstrated in the EU Strategic Framework and Action Plan of 25 June 2012 covering the period until 31 December 2014, the EU and its Member States seek to be exemplary in ensuring respect for human rights within their respective competency areas, as well as seeking to promote human rights and the Rule of Law worldwide. With a view to ensuring full coherence and consistency between the EU's internal and external human rights policies, the EU and its Member States are committed to raising recommendations of the Human Rights Council's Universal Periodic Review which have been accepted, as well as observations and comments of treaty monitoring bodies and UN Special Procedures, in their relations with all third countries; the EU Member States are equally determined to implement or consider seriously such recommendations, observations and comments within their own borders.

7. By 2014, the EU will develop specific actions to improve access to justice, to strengthen judicial cooperation, to ensure the free circulation of judicial decisions within the EU and to enhance legal certainty. The EU will fast-track growth enhancing measures which aim at removing barriers to cross border trade, cutting unnecessary administrative burden and bringing business the legal certainty they need.

### **2. Supporting peace and security in conflict and post-conflict situations**

8. The EU will develop a policy on transitional justice, so as to help societies to deal with abuses of the past and to fight impunity, covering issues such as truth and reconciliation commissions, reparations and the criminal justice system, ensuring that such policy allows for tailored approaches to specific circumstances, by 2014.

9. The EU will enhance its support to the UN engagement in conflict and post-conflict situations in the rule of law area, in particular it will:

- define a list of civilian capacities, including rule of law capacities, the EU Member States can potentially put at UN disposal for peacekeeping operations by the end of 2012;
- provide political support for operation of a "One UN approach" to rule of law assistance at the country level;

- create a policy framework on EU providing a component to a UN peacekeeping operation and establish modalities for coordination between the EU and UN during planning and conduct of EU civilian missions deployed in support of UN operations by 2013;
- strengthen the EU-UN coordination on assistance to the African Union and other regional organizations in respect of peacekeeping operations by 2013;
- establish technical arrangements on cooperation in training and in the area of Lessons Learned, including rule of law missions, by 2013;
- develop a General Framework between the EU and the UN on operational aspects of cooperation in peacekeeping/crisis management by 2014.

### **3. Fostering an enabling environment for sustainable human development**

#### **3.1 Fighting corruption**

10. Starting in 2013, the European Commission will publish every two years the EU Anti-Corruption Report, accompanied by country analyses for each Member State including tailor-made recommendations. It will also facilitate the exchange of best practices, identify trends and stimulate peer learning among Member States. The report will make use of all available sources, including the existing monitoring mechanisms (GRECO in the Council of Europe, OECD, UNCAC) independent experts and researchers, stakeholders and civil society. At the same time, it will ensure that the existing gaps of the international and European monitoring tools are being addressed and will allow the EU meet its legal obligation of self-assessment as a party to the UN Convention against Corruption.

#### **3.2 Birth registration and civic records**

11. The EU will develop a framework for raising issues of statelessness with third countries by 2014.

### **C. Strengthening the nexus between the national and international levels**

#### **1. The International Criminal Court**

12. The European Union and its Member States refer to the pledges concerning the International Criminal Court made at the Review conference of the Rome Statute of the International Criminal Court (Kampala, 31 May – 11 June 2010) and at the 31<sup>st</sup> International Conference of the Red Cross and Red Crescent (Geneva, 28 November – 1 December 2011) and they pledge to promote the greatest possible participation in and implementation of the Rome Statute of the International Criminal Court, the development and maintenance of an effective court and the realization of the principle of complementarity. To these ends, the EU and its Member States will particularly emphasize the ratification and acceptance of the Statute in negotiations and political dialogues with third countries, regional organisations and other regional groups, include provisions concerning the ICC and the international justice into EU agreements with third countries, promote dissemination of the values expressed in the Statute and cooperation with other states, international organizations and representatives of civil society. The EU and its Member States will facilitate technical assistance to interested

states by supporting legislative work for the accession to the Statute, supporting their participation in the ICC and their access to the instruments of the ICC.

## **2. Addressing transnational threats**

### **2.1 Counter-terrorism**

13. The EU pursues a civilian approach addressing counter-terrorism globally on the basis of criminal justice and the rule of law while protecting human rights. The EU promotes confidence building through regular counter-terrorism and security political dialogues and assists countries in need in their efforts via capacity building measures.

In the field of prevention and fight against terrorism, the EU will continue to support an overall rule of law approach, the development of effective institutional and legal frameworks, national and regional counter-terrorism strategies and to strengthen the capacities of law enforcement and judicial institutions in partner countries in the Sahel, Horn of Africa and South Asia, including Pakistan. Furthermore, the EU will continue its effort in promoting the UN conventions and resolutions related to terrorism, in particular the UN Global Counter-Terrorism Strategy, and will engage actively in multilateral initiatives, such as the Global Counter-Terrorism Forum.

The EU pledges to increase its support for counter-terrorism capacity building measures, and by 2014, to support the enhancement of partner countries' capacity to:

- promote the criminal justice systems based on the full respect for rule of law and human rights;
- ratify and implement all the UN conventions on terrorism;
- support resolutions related to terrorism, especially the UN Global Counter-Terrorism Strategy with all the overall approach it embodies;
- exchange information, also at regional and international levels;
- anticipate a terrorist act;
- formulate appropriate response measures;
- conduct policies on countering violent extremism;
- conduct investigation and prosecution of terrorist cases based on the full respect for rule of law and human rights, while enhancing inter-agency and regional collaboration.

14. The EU also pledges to implement measures on countering violent extremism, as well as on countering terrorist finance and illicit financial flows by promoting anti-money laundering framework, especially FATF recommendations, by 2014.

15. By 2014, the EU will develop operational guidance to ensure the consideration of human rights, and where applicable international humanitarian law, in the planning and implementation of counter-terrorism assistance projects with third countries, in particular as regards the respect of due process requirements (presumption of innocence, fair trial, rights of the defence).

## 2.2 *Organised crime*

16. The EU pledges to fight against the manufacture of drugs and its trafficking by assisting partner countries in their efforts against this scourge.

By 2015, the EU pledges to support partner countries mainly by providing training and capacity building to allow local law enforcement, judicial and prosecuting authorities to:

- ratify and implement international conventions, in particular the UN conventions on drugs, the UN Convention against Transnational Organised Crime and its protocols;
- adopt an intelligence-led approach to countering drug trafficking and other forms of trafficking (human beings, small arms, etc.);
- carry out complex investigations at regional and trans-regional levels;
- improve the collection and analysis of data related to drug trafficking;
- improve information sharing and exchange also through the establishment of adequate databases and communication networks;
- develop inter-agency cooperation;
- strengthen existing capacities and procedures in asset laundering investigation and confiscation;
- increase regional and international cooperation.

17. With particular reference to small arms, the EU pledges to continue countering illicit transnational trafficking in firearms by strengthening the international normative framework. To this end, it will promote the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in third countries.

18. By 2014, the EU pledges to support the creation of an international database as a tool to register, trace and track stolen and lost firearms and to identify related trafficking routes. This will allow countries to have access to, insert, update and query a centralized international database for lost and stolen firearms.

### **2.3 *Maritime piracy***

19. The EU pledges to support efforts to counter piracy and armed robbery at sea by paying particular attention to two of the most concerned regions in the world, namely the Horn of Africa and the Gulf of Guinea.

By 2015 (and beyond), the EU pledges to support partner countries by providing training and capacity building to allow local law enforcement, judicial and prosecuting authorities to:

- better respond to piracy and armed robbery attacks;
- improve information sharing and exchange at the regional level with a view to ultimately enhancing regional maritime domain awareness;
- conduct effective investigation and prosecution of piracy cases and related financial crime, with a special focus on the high level suspects;
- set-up and train a land-based coastal police force (in Somalia).

### **2.4 *Trafficking in human beings***

20. EU Member States will establish national referral mechanisms to better identify, refer, protect and assist victims of trafficking by the end of 2012. By 2015 the European Commission will develop a model for an EU Transnational Referral Mechanism which links national referral mechanisms to better identify, refer, protect and assist victims.

21. The EU will fund in 2012 a pilot project to strengthen regional cooperation on trafficking in human beings along routes from the East to the EU. In addition, under the Heroin Route programme, the EU will improve the collection and sharing of harmonized data on the actual numbers of people trafficked and improve the Criminal Justice Response on the trafficking in human beings cases.

## **3. *Empowering women and children***

22. By 2015, 80% of the EU Delegations will introduce specific measures on the role of external assistance and development co-operation in their local strategies for the implementation of the EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against them. The EU thematic programmes and instruments will support non-state actors to implement the EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against them.

## **4. *Accession and association process***

23. The EU will intensify its rule of law dialogue with countries of the Western Balkans, with the aim to strengthen preparations at earlier stages of the accession process. For Bosnia and Herzegovina a structured dialogue on justice was launched in 2011, a structured dialogue on

the rule of law with Kosovo was launched on 30 May 2012. The EU will continue to support the rule of law projects in countries of the Western Balkans.

## 5. European Neighbourhood Policy

24. The rule of law is one of the key priorities of the European Neighbourhood Policy.

- As regards the Eastern neighbourhood of the EU, the Roadmap to the 2013 Eastern Partnership Summit includes several measures in the area of the rule of law, notably improved functioning of the judiciary, cooperation among law enforcement agencies, fight against corruption and fight against cybercrime.

- In the South Mediterranean, the EU is stepping up its technical and financial support for the rule of law, overseen by an efficient, impartial and independent judiciary, with guarantees for equal access to justice and respect for due process and fair trial standards, as well as reform of the security sector for sustainable democratisation.

- The EU pledges to share with its neighbours the lessons learned and the best practices of its Member States which initiated processes of democratic transition and of building of the rule of law before they joined the EU.

## 6. Central Asia

25. The EU will further intensify the Rule of Law Initiative for Central Asia, notably it will promote independent judiciaries, increased institutional capacities and modernising professional qualifications including through contributing to the implementation of the Council of Europe Neighbourhood Policy for Central Asia in these areas as well as modernisation of penal systems, with a special focus on the eradication of torture. The EU is ready to support the accession of Central Asian countries to the Group of States against Corruption (GRECO) of the Council of Europe and assist Central Asian efforts to accede to and to implement international anti-corruption and human rights conventions. The EU is also ready to strengthen counter-terrorism co-operation, including for follow-up to the agreed Joint Plan of Action for the implementation of the United Nations Global Counter-Terrorism Strategy in Central Asia.

### Pledging organization: **European Union**

Contact information for responsible official:

Full name: Thomas Mayr-Harting, Ambassador, Head of the Delegation of the European Union to the United Nations

Title/organization: Delegation of the European Union to the United Nations

Date: 19 September 2012

Place: New York

Signature: .....

Additional contact information for person/service/institution in charge of follow-up:

Jan Kubista, jan.kubista@eeas.europa.eu, tel.: 0032-2584 2124, European External Action Service, Multilateral Relations division, Brussels;

Gilles Marhic, gilles.marhic@eeas.europa.eu, tel.: 001-212 292 8634, Legal adviser of the Delegation of the European Union to the United Nations in New York