



## Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

### Rule of law and human rights

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#):

*"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."*

### Office of the UN High Commissioner for Human Rights (OHCHR)

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

OHCHR is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its Member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

### OHCHR's contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner's office (see diagram on the next page).

In line with the scope of the European Commission's Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

# UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance

## Treaty-based mechanism

### Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

## UN Charter-based mechanism

### UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

#### Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

#### Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

#### Human Rights Council-mandated Investigative Bodies

The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.

# Human rights and rule of law (4 pillars of Rule of Law Report)

## Pillar 1: Justice System

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

## Pillar 3: Media Freedom

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

## Pillar 2: Anti-corruption

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

## Pillar 4: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
  - The UN Committee on the Elimination of Discrimination against Women adopted its concluding observation on Luxembourg ([CEDAW/C/LUX/CO/8](#)) on 7 February 2025 and the report was published on 28 February 2025.
  - The UN Committee on Economic, Social and Cultural Rights received information from Luxembourg on the follow-up to the concluding observations on its fourth periodic report on 20 August 2024 ([E/C.12/LUX/FCO/4](#)) and the Committee sent a follow-up letter (Letter not available).
- **Summary of information which could be of particular relevance to the Rule of Law report:**
  - Under pillar 1 on justice system, relevant findings and recommendations (quality of justice – accessibility of courts) were issued by UN human rights mechanisms.
  - Under pillar 4 on checks and balances, relevant findings and recommendations (independent authorities - NHRIs) were issued by UN human rights mechanisms
- **Forthcoming relevant information (January – May 2026):**
  - The UN Committee on Enforced Disappearance will consider the State Party report from Luxembourg in a future session ([date to be confirmed](#)).
- **Resources:**
  - Rule of Law in Europe | [OHCHR](#)
  - Country page on [Luxembourg](#)
  - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review).

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

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### Quality of justice – accessibility of courts (legal aid)

The UN Committee on the Elimination of Discrimination against Women welcomes the legislative measures taken to appoint judges specializing in family matters (art. 1 of the Act of 27 June 2018, establishing the office of the family judge and reforming divorce and parental authority) and provide partial legal aid for persons who are not entitled to full legal aid because of their financial situation (art. 6 of the Act of 7 August 2023 relating to the organization of legal aid and repealing article 37-1 of the amended Act of 10 August 1991, relating to the profession of lawyer). It also notes with satisfaction the ongoing work on the draft bill on juvenile justice. However, the Committee notes with concern:

- (a) The lack of clarity on procedural rights, including the right to a fair trial and the rights of the defence, in the State Party's legislation;
- (b) The lack of investigations and penalties imposed in cases of discrimination against women;
- (c) Barriers limiting access to justice for women seeking to complain about gender-based violence, discrimination or abuse, in particular foreign women and women with disabilities, such as: lack of awareness of the various remedies available; fear of reprisals and dismissal from employment; and lack of accessibility, reasonable accommodation and procedural adjustments, including support for decision-making;

(b) The lack of competence of the Centre for Equal Treatment to file complaints on behalf of women victims of discrimination. ([CEDAW/C/LUX/CO/8](#), para. 18)

The Committee, recalling its general recommendation No. 33 (2015) on women's access to justice, recommends that the State Party:

- (a) Strengthen legislation to ensure procedural rights, including the right to a fair trial and the rights of the defence;
- (b) Raise awareness among the general public of legislation prohibiting discrimination against women and of the remedies available to victims, and provide capacity-building for the judiciary on the strict application of such legislation;
- (c) Address the obstacles faced by women victims of gender-based violence, discrimination or abuse in accessing justice, with a particular focus on foreign women and women with disabilities;
- (d) Increase the human, technical and financial resources allocated to the Centre for Equal Treatment and strengthen its mandate, in particular by giving it the power to initiate legal proceedings on behalf of victims of discrimination, strengthening its investigative powers and making its decisions binding;
- (e) Include in the draft bill on juvenile justice a general prohibition to impose prison sentences on pregnant or breastfeeding girls or confine them in pretrial detention, as recommended by the Consultative Commission on Human Rights. (CEDAW/C/LUX/CO/8, para. 19)

## Pillar IV: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

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### Independent authorities - national human rights institutions (NHRIs)

The UN Committee on the Elimination of Discrimination against Women remains concerned that the Consultative Commission on Human Rights lacks the human, technical and financial resources necessary to effectively carry out its mandate. It is also concerned that this institution does not have a mandate to examine individual complaints and issue binding recommendations in this regard. (CEDAW/C/LUX/CO/8, para. 22)

The Committee recommends that the State Party enhance resource allocation to the Consultative Commission on Human Rights and implement the recommendations issued in 2022 by the Global Alliance of National Human Rights Institutions. It also recommends that the State Party strengthen the mandate of the Consultative Commission on Human Rights so that it can examine individual complaints and issue binding recommendations in that regard. (CEDAW/C/LUX/CO/8, para. 23)