

## **Accountability (A)**

Strengthening the rule of law and accountability for human rights violations



### JUSTICE SYSTEMS, TRIALS AND PRISON CONDITIONS



**Trials**  
**1,291**  
court cases  
monitored



**Places of detention**  
**1,377**  
visits  
undertaken



**Monitoring missions**  
**5,828**  
human rights  
situations documented

### NON-JUDICIAL ACCOUNTABILITY MECHANISMS



#### Human rights mechanisms

**88** opinions adopted by the Working Group on Arbitrary Detention (43 urgent appeals, 107 allegation letters and 4 other letters initiated or joined)

**71** communications sent by the Working Group on Enforced or Involuntary Disappearances (16 urgent appeals, 51 allegation letters and 4 other letters initiated or joined)

**117** communications sent by the Working Group on business and human rights (11 urgent appeals, 103 allegation letters and 3 other letters initiated or joined)



#### Paris Principles-compliant national human rights institutions (NHRIs)

**120** countries with established/enhanced NHRIs

(including 89 accredited with "A" Status and 31 with "B" Status)



#### Human rights-based approach to data and indicators

operationalized in **19** countries (between NHRIs and national statistical offices and other government agencies)

## South Sudan: Alleged perpetrators identified in Unity State violence

“When Padeah was attacked on 16 February, I was taken from my village, along with more than 20 other women and our children. [The attackers] forced us to carry food items and other goods they had looted from our village. They beat and lashed us with sticks until we reached Mirmir Payam, where we were repeatedly raped in front of our children. Most women gave in to the rape because they were afraid their [daughters would be] raped instead of them.”

This account from a rape survivor in Padeah, Unity State, South Sudan, is one of the numerous testimonies collected by UN Human Rights and investigators from UNMISS following the violence against civilians that took place in the region from February to May.

Investigators conducted 32 verification missions in three counties and neighbouring areas and reported gross violations and abuses of international human rights law and serious violations of international humanitarian law in southern Unity State, including forced displacement and attacks on humanitarian facilities and personnel. Their findings were [documented in a report that was published in September](#).

The report reveals that the violations were committed during clashes between government forces and affiliated armed militias and elements of the Sudan People’s Liberation Movement/Army in Opposition (SPLM/A-IO (RM)).



The United Nations Mission in South Sudan has helped humanitarian workers in relocating displaced persons. © Eric Kanalstein/UNMISS

### VIOLATIONS AND ABUSES

At least 28 villages and settlements were impacted. It is estimated that 173 civilians were killed, 12 were injured and 37 women and children were abducted. Many abductees were subjected to sexual violence. A total of 131 cases of rape and gang rape were documented, including girls as young as eight years old. A nine-year-old girl was gang raped and murdered. In total, approximately 44,000 civilians were displaced from at least 26 villages.

Since December 2013, the southern part of Unity State has experienced repeated violent clashes between military forces and armed militias within the larger South Sudanese power struggle between President Salva Kiir Mayardit and former Vice-President Riek Machar. The 2015 Agreement on the Resolution of Conflict in the Republic of South Sudan was violated in July 2016 and the 2018 Revitalized Agreement led to a period of relative calm until February 2020.

### KEY RECOMMENDATIONS

UN Human Rights and UNMISS have identified nine individuals believed to bear the greatest responsibility for the violations committed between February and May. They urged the Government of South Sudan to address the lack of accountability for crimes under international and national law, stressing that this is critical for the resolution of the prolonged conflict in Unity State and lasting peace in South Sudan.

“The Government is duty-bound under international law to protect civilians, investigate allegations of human rights violations and hold suspected perpetrators accountable, in compliance with fair trial standards,” said Nicholas Haysom, the Special Representative of the Secretary-General and Head of UNMISS.

UN Human Rights and UNMISS continue to urge the Government to undertake adequate measures to protect civilians.

## Highlights of pillar results

### Accountability (A)

The legal protection of all human rights requires various actors to fully assume their obligations to respect, protect and fulfil human rights. This includes States as the primary duty bearers, as well as private actors, armed groups, other non-State actors and individuals who, under certain circumstances, can be held criminally accountable for their actions. To

enhance accountability and promote peaceful, prosperous and inclusive societies, UN Human Rights helps to build human rights-compliant institutional frameworks. It supports the adoption of regulations that domesticate international human rights law and promotes policies and practices that guard against transgressions (i.e., the misuse of criminal law,

arbitrary detention, torture, gender-based violence and censorship). UN Human Rights also supports the establishment of independent, impartial and fair courts and non-judicial mechanisms that address claims and grant remedies, including commissions of inquiry, fact-finding missions and other investigations.

#### PILLAR RESULTS / SHIFTS / SDGs

#### A1 – ADMINISTRATION OF JUSTICE and LAW ENFORCEMENT

Laws, policies and practices increasingly address, prevent and reduce human rights violations in the context of law enforcement and justice systems.



#### RESULTS / SPOTLIGHTS



On 27 May, following OHCHR's strategic advocacy and technical support to promote the **abolition of the death penalty** and compliance with international human rights law, the National Assembly of the **Central African Republic** unanimously adopted a law abolishing the death penalty. Similarly, in **Equatorial Guinea**, OHCHR advocated for the implementation of UPR recommendations calling on the Government to abolish the death penalty. A new Penal Code, abolishing the death penalty for civil offences, was adopted in August and took effect in December, 90 days after it was published in the official bulletin, on 7 September.

On 25 October, the Government of **Thailand enacted the Prevention and Suppression of Torture and Enforced Disappearance Act 2022**. OHCHR provided technical assistance to the Ministry of Justice, the custodian of the Act, in relation to its development. The Act includes provisions that need to be amended to ensure its full compliance with international human rights standards, however, its promulgation will help the Government to fulfil its commitment to achieving zero-tolerance for torture and enforced disappearances and ensuring access to justice for the victims of torture and enforced disappearances. The Act also provides victims of torture and involuntary and enforced disappearances and their families with the necessary framework to seek legal redress and hold accountable the perpetrators of such crimes.

In **Belize**, UN Human Rights provided technical assistance to the Belize Police Department, particularly with regard to the integration of human rights into the standard **training of law enforcement officers and police recruits**. As a result, the Police Training Academy now includes a curriculum on human rights that accompanies the training on the Policy on the Use of Force. The Office also supported the development and dissemination of public communication materials on the responsibilities of law enforcement officers and the rights of citizens when engaging with the police.

UN Human Rights organized advocacy meetings on **illegal detention and the fight against impunity** in connection with emblematic crimes for a wide range of authorities in Haiti. These meetings prompted the judicial authorities of Port-au-Prince and Petit Goave to organize 32 special habeas corpus hearings, with the technical and financial support of the Office, which led to the release of 155 detainees

from October to December. Some of these detainees had been held on minor charges, in inhumane conditions, for more than 10 years, without a trial.

In **Mali**, progress was made in supporting the right to remedy of victims of human rights violations after the 15 November **promulgation of legislation on reparations of gross human rights violations**. Law No. 2022-041 was adopted by the National Transitional Council on 3 November. Article 3 of the Law recognizes the right to remedy and reparation for victims as a fundamental right. The MINUSMA HRPD participated in the drafting process to ensure that the Law and its implementing decree reflect human rights norms and standards, including those governing the protection of victims.

Following sustained advocacy by CRSV survivors in **Nepal**, who were supported by the Office, the Government held consultations to inform them about the ongoing **review of transitional justice-related legislation**. This represents a significant development for rights holders as the Government did not previously recognize CRSV survivors as victims of the armed conflict.

In **Mali**, the MINUSMA HRPD provided years of technical advice to the National Human Rights Commission (NHRC) in order to strengthen its capacities, rules and procedures. On 29 March, it was **accredited with "A" Status** by the **Global Alliance for National Human Rights Institutions (GANHRI)** Sub-Committee on Accreditation. Furthermore, at its March session, the Sub-Committee granted "A" Status to the National Human Rights Commission of the **Gambia**. OHCHR contributed to this result through advocacy and supported Gambian authorities in drafting the NHRC Bill and building the capacities of NHRC staff members.

In **Kenya**, OHCHR provided specialized training, including case mentoring on the investigation and prosecution of serious human rights violations for investigators and prosecutors, through its grantee, Partners in Justice International. This enhanced cooperation on investigations and prosecutions of violations by police officers and led to progress in elections-related cases. For instance, on 28 October, a decision was taken by the Director of Public Prosecutions to charge senior police officers with crimes against humanity for murder, torture and rape committed during the 2017 electoral period. This case represents the **first time that crimes against humanity have been domestically prosecuted**, the first criminal prosecution of electoral SGBV and the first prosecution that applied the doctrine of superior command.

In **Kazakhstan**, on 5 November, OHCHR's long-term advocacy efforts resulted in the adoption of a Constitutional Law on the Ombudsperson, thereby strengthening the legal basis for the NHRI, as well as its impact at the local level. Following the long-awaited **establishment of the NHRI** presence at the subnational level, OHCHR and UNDP jointly conducted an introductory training for 31 newly recruited NHRI staff members at the regional and central level. In **Botswana**, the long-awaited Ombudsperson Act, which expands the mandate of the Office of the Ombudsperson into an **independent NHRI with a wider human rights remit**, was adopted by the Parliament. A high-level panel is considering the Ombudsperson's new structure.

On 2 June, UN Human Rights and UNAMI co-published a report entitled **Update on Accountability in Iraq: Limited progress towards justice for human rights violations and abuses by 'Unidentified Armed Elements.'** This was the seventh issue published on the subject since October 2019. The report, which covers the period from 1 May 2021 to 15 May 2022, highlights progress made on compensation for victims, but notes that progress towards accountability remains limited. It further underlines that many of those seeking accountability have been subjected to threats and violent intimidation. The report makes **recommendations to the Government aimed at ending impunity, ensuring redress for victims and protecting families and witnesses from threats.**

## A2 – ACCESS TO JUSTICE and REMEDIES

Strengthened national mechanisms provide redress to victims and accountability for human rights violations, including for economic and social rights.



### A3 – Investigation of GENDER-related CRIMES

Justice systems investigate and prosecute gender-related crimes more effectively.



As part of its advocacy to promote compliance with international human rights standards, UN Human Rights provided technical assistance to national institutions in **Libya** on key legislative reform processes, including the drafting of the **new Law on Violence against Women**. OHCHR worked closely with UNFPA, UN Women and the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (ToE) to convene the Committee of Libyan Experts in Tunis, in May, to discuss provisions and develop an advocacy strategy in the lead up to its endorsement. In February 2023, the draft Law was officially submitted to the House of Representatives.

The Office continued to promote the adoption of the Latin American Model Protocol for the **investigation of gender-related killings of women**. Three new countries in the region adopted national investigative protocols to deal with femicide cases, including the Protocol for Investigating Femicide in **El Salvador**, which was officially endorsed by the Attorney General, in November.

The Office contributed to the development of the Framework for the **Prevention of Conflict-Related Sexual Violence** and the evaluation of Monitoring, Analysis and Reporting Arrangements (MARA), conducted by the Special Representative of the Secretary-General on Sexual Violence in Conflict. This work ensured the systematic gathering of timely, accurate, reliable and objective information on CRSV.

In **Guinea**, as a member of the ToE, OHCHR assisted national authorities in the **investigation and prosecution of sexual violence crimes in conflict and post-conflict settings**. The ToE are members of the Steering Committee, which is responsible for organizing the trials involving several senior military officials for the killing of more than 150 persons and sexual violence against more than 100 women and girls at the Conakry Stadium in September 2009. Continued engagement by the ToE with authorities, CSOs, the UN system and the diplomatic community contributed to the historic opening of the trials on 28 September, in the presence of 13 of the accused parties, including former President Dadis Camara. In collaboration with the UNCT, OHCHR is drafting an integrated UN strategy to effectively support the trials, which includes trial monitoring, the protection of victims and witnesses, training for justice officials and reparations.

### A4 – ACCESS to INFORMATION

States undertake measures to ensure that their decision-making, policies and actions are more transparent and that the public has access to information for accountability purposes.



OHCHR's work on **indicators, data analysis, strengthening transparency and accountability in Mexico** began in 2008 and focuses on ESCRs and civil and political rights, as well as the rights of specific populations and cross-cutting issues, such as non-discrimination and equality. Mexico is the leading country in the world in which OHCHR's methodology has been continuously implemented. These indicators have been adopted by over 180 public institutions at both the federal and state level and are used in nearly 80 institutions as impact measurement tools for numerous public policies, thereby enhancing efforts to implement, monitor and exercise human rights. In 2022, indicators on the right to water and sanitation were validated and generated, in collaboration with the Mexican Institute of Water Technology. The Office also developed the conceptual framework and indicators for measuring labour justice and the rights of persons with disabilities within the justice administration system. In collaboration with the judiciary of the State of Mexico, a framework was prepared to measure and record these variables, including variables on human rights compliance by the business and private sector. Furthermore, indicators were developed for measuring physical and mental disabilities in the administration of justice. A framework for measuring non-sensory/non-physical disabilities was prepared and will be validated in 2023.

## A5 – UN ACTION on RULE of LAW

UN efforts with regard to the rule of law, justice, counter-terrorism and accountability put human rights at the core.



In its engagement with partners, UN Human Rights continued to **promote the rule of law and equal access to justice** in relation to **Syria**. In particular, it supported the work of the Office of the Special Envoy of the Secretary-General for Syria (OSES) with the Constitutional Committee. To this end, the Office shared proposals to strengthen language in order to improve rights protection and address critical issues arising from the conflict, such as missing persons and housing, land and property rights. As a result, the OSES became more outspoken about rights-related issues, such as detention and missing persons, including in their briefings to the Security Council and in public statements.

OHCHR worked closely with the University of California, Berkeley, School of Law to develop the Berkeley Protocol on Digital Open-Source Investigations, which was published in January. The aim is to provide a **practical guide on the effective use of digital open-source information for the investigation of violations** of international criminal, human rights and humanitarian law. Further, **guidance for new and ongoing UN human rights investigations** was prepared to optimize the potential use of collected information for accountability purposes. The guidance will support investigative bodies to fulfil their multifaceted mandates by helping them to strengthen their collection, documentation, preservation and processing methodologies. The protocols, tools and templates for collecting and preserving information outlined in the guidance will enable the investigative bodies to systematize their processes and ensure the quality and integrity of their information base.

## The long road to comprehensive reparations in Bolivia



Flaviano Unzueta speaks to national authorities and OHCHR on the right of victims to reparations during a regional meeting in Cochabamba department, in Bolivia. © Gloria Moronta/OHCHR

Between 1964 and 1982, a series of military coups and dictatorships in Bolivia resulted in the murder, torture, disappearance or exile of hundreds of people. Political repression touched every sector of society, but it was especially hard on mine workers and university students.

Flaviano Unzueta was one of those university students. His activism began as a young student leader. “I graduated from university in 1970. Since they knew I was a leader, they persecuted me and raided my house,” he recalls.

Then, in 1980, he was arrested. “I was persecuted and I was tortured in different detention centres. The ICRC and the Episcopal Conference managed to get me abroad as an exile. I spent two years in Venezuela as a political refugee, only to return to Bolivia, on 10 October 1982,

just when the democratic phase began,” Unzueta explains.

In the following decades, he has tirelessly advocated for reparations to be paid to those who suffered human rights violations during the dictatorships. In 2004, as president of the National Union of Victims of Political Violence (UNAVIPO), he participated in a collective hunger strike that led to the adoption of Law No. 2640. Although the Law provided for partial economic compensation for 1,714 victims, it was controversial as 80 per cent of the funds were reportedly to be paid by external sources instead of the Bolivian State. Further, many victims claimed they were not properly registered, which left them without access to compensation.

Since 2021, the OHCHR Technical Mission in Bolivia has worked with the State to develop a comprehensive reparations policy for victims of serious human rights violations. It also organized meetings to discuss different options and sought the active participation of the victims in the process.

“The State is responsible for providing reparations. [This] is an important step forward and we believe we will reach a successful conclusion...as long as the UN continues to support the victims of political violence,” says Unzueta.

“Comprehensive reparations include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. While countries may differ in the way they implement some of these measures, it is essential that they follow international standards and recommendations,” said Antonio Menéndez de Zubillaga, Chief of the OHCHR Mission in Bolivia.

In July 2022, the Government enacted Law No. 1446 to allocate the outstanding compensation to victims of political violence. On Human Rights Day (10 December), the Ministry of Justice announced that the reparations policy would be implemented.

Unzueta and members of his organization hope this new commitment to the payment of reparations will in turn lead to an acknowledgement of the full impact the dictatorships had on the lives of thousands of Bolivians. OHCHR will continue to raise awareness and review former files to encourage more victims to come forward.



OHCHR accompanies the protest commemorating eight years since the enforced disappearance of 43 students of the Isidro Burgos Rural Teachers' College, in Mexico. © Prometeo Lucero