Impunity and the rule of law

Combating impunity and strengthening accountability, the rule of law and democratic society

Background

In 2012, Heads of State and Government came together at the General Assembly to discuss the rule of law, recalling its central place at national and international levels. In the Declaration on the Rule of Law at the National and International Levels adopted on 24 September 2012, Member States reaffirmed their commitment to the rule of law, as well as the interlinked and mutually reinforcing nature of human rights, the rule of law and democracy.

Throughout the year, however, tragic developments taking place in many regions of the world, such as events in the Syrian Arab Republic and Mali, have once again highlighted the fundamental importance of preserving and enforcing the rule of law at national and international levels. Democratic societies founded on the rule of law which ensure the availability of accountability mechanisms are more likely to provide effective protection of human rights and appropriate redress to victims of violations when other safeguards have failed. Concurrently, the absence of democracy and the rule of law systematically results in gross violations of human rights and widespread suffering.

Establishing effective mechanisms to ensure that those who commit human rights violations do not go unpunished is an important step in the restoration of the rule of law. Transitional justice is vital when addressing the consequences of conflict or repressive rule. It provides a framework for the rights to justice, truth, reparations and guarantees of non-recurrence. Such frameworks enable a comprehensive approach to combating impunity and ensuring accountability for past human rights violations, redress for victims and broader institutional reform.
A Filipino blogger joins a protest rally against the implementation of the ‘Cybercrime Prevention Act’ in front of the Supreme Court in Manila, Philippines, October 2012.
OHCHR’s role

OHCHR plays a leading role within the UN system on democracy and the rule of law. Promoting respect for democracy and the rule of law, combating impunity and strengthening accountability for human rights violations underpin all activities of the Office. In particular, OHCHR supports transitional justice processes and contributes to improving access to justice for individuals and groups facing discrimination, including by enhancing the framework for accountability for human rights violations, increasing human rights protection in the administration of justice and supporting the development of democratic institutions.

In implementing its mandate, OHCHR engages with States, national human rights institutions (NHRIs), judicial and quasi-judicial institutions, law enforcement agencies and civil society organizations. At the global level, OHCHR supports the development of relevant international norms and standards, collects good practices, elaborates guidance tools and carries out capacity-strengthening activities. It also supports human rights mechanisms in their efforts to enhance the legal protection of human rights and accountability.

At the national level, OHCHR is involved in providing normative guidance, technical advice and capacity-strengthening activities which contribute to the development of robust, rule of law-based justice systems. Assistance includes support, needs assessment related to human rights, implementation of specific activities, review of relevant legislation and policies to ensure their compliance with international human rights standards and the delivery of practical human rights advisory and training programmes.

Throughout the year, OHCHR continued to deploy efforts to actively respond to human rights crises and all relevant situations. The following outlines some of the advances made in contributing to establishing democracy and the rule of law and countering impunity in 2012.

National laws, policies and institutions (EA 1)

**Progressively strengthened democratic institutions and governance systems based on the rule of law and the protection of human rights**

**Constitution-making and constitutional courts**

OHCHR provided advice and assistance in the drafting of new constitutions, advocating for the inclusion of provisions to strengthen human rights and for constitutions to be in line with international standards. In Somalia, the adoption of the Provisional Constitution in August followed extensive consultations with Somali authorities. The Provisional Constitution contains important provisions protecting some fundamental human rights. In Mauritania, constitutional amendments provide for the full independence of the judiciary and qualify the crimes of slavery and torture as crimes against humanity. In Mexico, a constitutional amendment authorizing federal authorities to investigate crimes against journalists entered into force in June, endorsing the recommendation made by the UN and OAS Special Rapporteurs on freedom of expression.

In Colombia, despite considerable advocacy efforts and activities undertaken by the Office and other stakeholders, a constitutional reform expanding military criminal jurisdiction to investigate and decide cases of human rights violations, that should instead be under the authority of the civilian justice system, came into force in December. Concerns persist that this reform will lead to impunity in cases of serious violations of human rights and humanitarian law.

OHCHR also encouraged constitutional courts to apply international human rights standards in their rulings. Following advocacy by the High Commissioner and special rapporteurs of the Human Rights Council, significant decisions upholding human rights standards were issued by the Supreme Court of Mexico and the Plurinational Constitutional Court (PCC) in Bolivia. Furthermore, in December, following a workshop organized by the Office, the PCC magistrates, judges and judicial officials agreed on measures to promote access to constitutional justice.
In Libya, the UN Support Mission (UNSMIL) advocated for changes in the Glorification of the Dictator Law which was passed by the National Transitional Council. The Law was consequently revoked by the Supreme Court in June which judged it to be unconstitutional and in violation of the right to freedom of opinion and expression.

**Compliance of national legislation and policies with human rights**

OHCHR continued to play an important role in providing technical assistance and advice to many countries on draft legislation related to various human rights issues to ensure its compliance with international norms and standards.

**Legislation on torture**

In Paraguay, the definition of torture in the criminal code was amended to bring it in line with international law. In Kyrgyzstan, the Parliament approved amendments to the criminal code and the code of criminal procedure which brought the definition of torture in closer compliance with international law and established stricter penalties to reflect the gravity of the crime. In Togo, a new criminal code was adopted by the Council of Ministers which defines and criminalizes torture and is more compliant with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In Uganda, the Prevention and Prohibition of Torture Bill was passed into law which domesticated CAT and integrated recommendations made by OHCHR to improve the bill, including an explicit mention of reparation for victims of torture.

**Legislation on the death penalty**

In Thailand, OHCHR contributed to progress made in reducing the scope of application of the death penalty through consistent advocacy and technical assistance. The Government withdrew its interpretative declaration regarding article 6 of the International Covenant on Civil and Political Rights after an amendment of the criminal code which stipulated that the death penalty should not be imposed on minors. In Singapore, the Parliament passed amendments to three laws that reduced the scope of application of the death penalty, making appeals automatic and providing judges with the discretion to impose a life sentence in certain cases. In the Central African Republic (BINUCA). The draft law is currently tabled before Parliament. In relation to international human rights mechanisms, the Special Rapporteurs on extrajudicial, summary and arbitrary executions and on torture submitted reports to the 67th session of the General Assembly specifically addressing the issue of the death penalty in relation to their respective mandates (A/67/275 and A/67/279).

A woman holding a placard that reads “Yes to life, no to the death penalty” during a demonstration in San Juan, Puerto Rico, September 2012.
Legislation on legal aid and independence of the judiciary
In Azerbaijan, OHCHR participated in the consultation process with the working group engaged in preparing the draft law on legal aid, which was submitted to a parliamentary committee for approval. In Sierra Leone, the Human Rights and Rule of Law Section of United Nations Integrated Peacebuilding Mission in Sierra Leone (UNIPSIL) continued its technical support to Parliament, which passed a Legal Aid Law establishing an independent legal aid body to provide free legal advice and representation to the underprivileged. In Guatemala, OHCHR ensured compliance with international human rights standards of the proposed reforms to the Guatemalan Law on the Judicial Career and will continue its advocacy work to ensure that the proposed reforms are presented before Congress.

Legislation on freedom of opinion and expression
Following a joint letter sent in January 2012 by the Special Rapporteurs on the right to freedom of opinion and expression, the situation of human rights defenders and the rights to peaceful assembly and of association, the Government of Chile introduced changes to the draft Law on Strengthening the Preservation of Public Order. Notwithstanding these positive developments, the Special Rapporteurs reiterated their concerns about other provisions that could lead to arbitrary restrictions to the rights to freedom of expression and peaceful assembly. OHCHR provided technical advice and was involved in the legislative processes in the states of Campeche and Mexico which led to the annulment of defamation laws. Nonetheless, defamation continues to be criminalized in 12 Mexican states.

Legislation and policies on human rights defenders and journalists
The adoption and implementation of legislation and policies aimed at the protection of human rights defenders and journalists is fundamental and was the focus of OHCHR attention in several countries. For instance, in Mexico, the Law for the Protection of Human Rights Defenders and Journalists was adopted by Congress as a result of concerted advocacy efforts undertaken by civil society and technical assistance provided by OHCHR. The Law, which entered into force in June, creates a National Mechanism for the Protection of Human Rights Defenders and Journalists. In Beirut, a Regional Conference for human rights defenders, journalists and unionists took place in May with the participation of the Deputy High Commissioner and the Special Rapporteur on human rights defenders. During the conference, actions for encouraging the development and implementation of national action plans were discussed.

Legislation on children’s rights
In Liberia, the Human Rights and Protection Section of the United Nations Mission in Liberia (UNMIL) provided technical assistance to the Liberia Legislative Association to promote the incorporation of human rights standards in a bill to protect the rights of the child, which was eventually passed into legislation. The Czech Republic adopted an amendment to the Act on Child Protection. OHCHR increased regional awareness on alternative care for institutionalized children through the publication and dissemination of a study on the Rights of Vulnerable Children under Three: Ending their Placement in Institutional Care, which outlines the human rights-based approach to alternative care for children in institutions in Central and Eastern Europe.

In Rwanda, the Human Rights Advisor (HRA) and the United Nations Country Team (UNCT) took the strategic decision to postpone follow-up training on the application of international laws in policymaking for select committees and commissions of Parliament and Senate until after the Parliamentary election scheduled for September 2013. Moreover, the HRA was not afforded the space to influence specific draft laws related to human rights issues under review by Parliament or to lobby for their enactment by the legislature.

Human rights action plans
Human rights action plans can be instrumental to the development of comprehensive national strategies for ensuring the effective implementation of international human rights obligations, including with regard to combating impunity. OHCHR assisted national authorities in their efforts for elaborating human rights action plans that are in compliance with international human rights standards in Chad, Honduras, Lebanon and Paraguay. It is hoped they will be adopted by their respective parliaments in 2013. Steps were taken in Iraq to implement the National Action Plan (NAP), including through the establishment of an inter-ministerial committee to oversee its implementation.

Strengthening human rights compliance by judicial and law enforcement institutions
OHCHR organized and facilitated human rights training for the judiciary, police and other security forces, including military forces, in order to enhance their awareness of and compliance with international human rights standards in many countries, including:
Afghanistan, Cambodia, Chile, the Dominican Republic, Georgia, Guatemala, Guinea, Haiti, Honduras, Iraq, Qatar, Somalia, South Sudan, Tunisia and Uganda.

These trainings have contributed to, for example: in Guinea, a reduction in the use of lethal weapons by police and gendarmerie during public demonstrations and in the number of persons held in custody beyond the legal limit of 48 hours; greater willingness by Ugandan security forces and the Prison Service to take action against alleged perpetrators of human rights violations; and increased knowledge among new recruits of the police and National Guard in Tunisia of international human rights standards relating to law enforcement, crowd control and other relevant human rights issues.

In Haiti, with the support of the Human Rights Section (HRS), the Magistrate School included a module on international human rights in its regular training, which is taught by a representative of the HRS. In addition, the HRS organized a public debate between selected Haitian judges and a judge and senior staff lawyer of the Inter-American Court of Human Rights on the national-level applicability of international human rights law. The proceedings of this debate were published as a reference and advocacy tool to improve the use of international human rights standards in national courts. Copies will be distributed among judges and prosecutors.

In Somalia, the Human Rights Unit elaborated an innovative training on human rights issues for judges, lawyers and legal academics in Somaliland, Mogadishu and Puntland (see box for more information on page 36). Efforts undertaken by the Human Rights Division in South Sudan resulted in the incorporation of human rights modules in the training for new police recruits and the integration of human rights as a cross-cutting theme in police training. The UN Doha Centre, in collaboration with the Qatari Ministry of Interior-Human Rights Department, organized a five-day human rights training programme for the local police constabulary which enhanced the knowledge of 26 mid-ranking Qatari police officers, including four women.

In other countries such as Azerbaijan, Bolivia, Cambodia, Guatemala, Honduras, Lebanon, Mexico, Paraguay and Togo, technical assistance provided by OHCHR, often in cooperation with other UN agencies and civil society, aimed at contributing to the strengthening of the judiciary, police and other security forces and their capacity to work in full compliance with human rights standards.

In Mexico, OHCHR undertook 36 field missions in 16 states to monitor and document 110 cases of alleged human rights violations. In this context, it conducted 120 interviews with advocates, victims and witnesses and presented documented cases to the human rights ombudsmen and law enforcement authorities at the federal and local levels. OHCHR also familiarized prosecutors with international human rights standards, conveyed concerns about individual cases and patterns of violations and advocated for compliance with their international obligations to prosecute those responsible. These efforts resulted in an improved responsiveness from authorities to combat impunity and ensure accountability.

In Cambodia, OHCHR supported the revision of the Code of Professional Conduct for lawyers by organizing a series of consultations with lawyers to finalize the revised Code and providing expert technical advice. The revised Code, which is now more compliant with international human rights law, was adopted by the Bar Association in September. OHCHR also supported trial monitoring in two provincial courts which resulted in improved respect for fair trial rights. In addition, there are no longer any prisoners in Cambodia with appeals that have been pending for 10 or more years.

Following capacity strengthening activities for law clerks of the Guatemalan Constitutional Court and the submission by OHCHR-Mexico of five compilations of relevant international norms and standards to the National Supreme Court of Justice, international human rights standards were incorporated in judicial decisions in Guatemala and Mexico.

In Lebanon, the Code of Conduct for the Lebanese Internal Security Forces was formally launched and endorsed by the Prime Minister. Copies of the Code
of Conduct were distributed to the 27,000 members of the Internal Security Forces.

In Tunisia, OHCHR, UNDP and ICR collaborated to support the development of Standard Operating Procedures (SOPs) with regard to the use of force and firearms in public places, which were officially presented to the competent authorities in May. The Office provided information on human rights standards and norms and good practices relative to the use of force and ethical and lawful policing. Once officially adopted, the SOPs will serve as an important reference tool for the conduct and work of Tunisian law enforcement agents.

**Human rights education**

Human rights education plays a crucial role in ensuring that relevant stakeholders, including civil society, are equipped with the human rights knowledge and awareness to contribute to the establishment and strengthening of democracy and the rule of law.

In Paraguay, the Ministry of Education requested that the HRA continue its cooperation in the implementation of the National Plan on Human Rights Education which was adopted in 2012.

OHCHR continued its efforts to consolidate the Human Rights Masters Programme in the Russian
Federation, building on the achievements reached during the first pilot year. OHCHR supported the inter-university partnership that enabled the Consortium of Russian Universities to jointly develop and implement the programme cycle for 2011-2012. Following the Consortium’s development of a comprehensive multidisciplinary curriculum, the course on *International Human Rights Protection* is accredited as a specialized discipline within Masters Degree studies.

**Fair trial indicators**

OHCHR continued to promote the use of human rights indicators, in particular on the right to a fair trial, among governmental institutions, human rights institutions, civil society organizations and academics. In April, the Superior Tribunal of Justice of Mexico City, together with OHCHR, published the first volume of a series of publications on fair trial indicators. As of the end of 2012, nine tribunals had initiated the elaboration of fair trial indicators, which have also been approved at the federal level by the Supreme Court of Justice of Mexico and the Federal Judicial Council. In Paraguay, fair trial indicators to monitor and promote access to justice were adopted by the Supreme Court of Justice.

**Prisons and other detention facilities**

As a result of monitoring of detention facilities as well as advocacy and support by OHCHR and other partners, the treatment of prisoners in detention facilities and by law enforcement officials has improved in many countries. For example, in Afghanistan, national authorities and the International Security Assistance Force (ISAF) undertook a variety of measures to address issues presented in the United Nations Assistance Mission in Afghanistan (UNAMA)/OHCHR report *Treatment of Conflict-Related Detainees in Afghan Custody* (October 2011) concerning the human rights and humane treatment of detainees in detention facilities.

Cambodian prison authorities have increased their capacity to protect the rights of prisoners. Three ministries issued an inter-ministerial directive banning prison production for export, following briefings, consultations and advocacy efforts undertaken by OHCHR.

In Honduras, the Human Rights Adviser conducted a comprehensive assessment of the prison system and made recommendations for its improvement. In Libya, an inter-ministerial committee involving the Ministries of Interior, Defence and Justice was established to resolve issues and carry out inspections of facilities where cases of torture or mistreatment were occurring. In Myanmar, the Government announced a special mechanism to review outstanding cases of political prisoners following advocacy undertaken by OHCHR and the Special Rapporteur on the human rights situation in Myanmar. In Togo, the Government adopted a decision to reduce the number of pre-trial detainees by 50 per cent by the end of 2012. To date, 421 detainees have been released.

**Democracy and elections**

OHCHR supported national authorities to strengthen national institutions and national capacity in order to ensure free and fair elections and respect of human rights, including women’s rights, during election processes through advocacy, training and awareness-raising in: Angola, Cameroon, the Democratic Republic of Congo (DRC), Mauritania, Senegal and Timor-Leste.

In Angola, OHCHR contributed to the peaceful elections in 2012 and the reporting of alleged human rights violations therein through advocacy with the Angolan authorities to ensure respect of human rights. In Mauritania, following advocacy efforts undertaken by OHCHR, the Independent Electoral Commission was established in accordance with democratic and human rights principles. In Senegal, OHCHR contributed to strengthening the capacities of Senegalese civil society organizations by creating the Women’s Platform for peaceful elections to ensure women’s participation in the presidential and legislative elections in 2012.

In Timor-Leste, the Human Rights and Transitional Justice Section of the United Nations Integrated Mission in Timor-Leste (UNMIT) provided technical support to the National Human Rights Institute,
Provedoria, to enhance its capacity to monitor and report on the human rights situation during the free and fair presidential and parliamentary elections and ensure compliance with human rights obligations.

Increased engagement of national human rights institutions in addressing impunity

National human rights institutions and Ombudsperson institutions are among the mechanisms that can ensure compliance by States of their human rights obligations and work to combat impunity and promote the rule of law. In this regard, OHCHR advocates for and supports their establishment in compliance with the Paris Principles.

Establishment of NHRIIs

In the Central African Republic, Chad, the Democratic Republic of Congo, Guinea, Haiti, Madagascar and Yemen, OHCHR collaborated with other partners to provide advice and assistance in drafting laws to establish NHRIIs or Ombudsperson institutions. Following the development of relevant legislation, it is anticipated that NHRIIs will be formally created in the Central African Republic, Chad and the DRC in 2013. In Papua New Guinea, the National Executive Council approved the draft enabling legislation for the National Human Rights Commission.

With the support of OHCHR, which included the provision of legal advice to national authorities and civil society on applicable human rights standards and relevant good practices, NHRIIs or Ombudsperson institutions were established in Côte d’Ivoire, Iraq, Niger, Pakistan, Republic of Moldova, Sudan, Uruguay and Zimbabwe.

Following advice provided by OHCHR to the Ministries of Health and Justice on the need for human rights oversight in the national psychiatric service, one of Moldova’s leading human rights advocates was appointed to the pilot position of Ombudsperson for Psychiatry in May 2012.

In April, the Government of Yemen adopted a decision to establish a NHRI and mandated a ministerial committee to prepare the legal framework. A joint HRA-UNDP project, signed with the Government in July, includes a component on supporting the establishment of an independent NHRI.

Increased compliance with Paris Principles and strengthening of existing NHRIIs

In Cameroon, Gabon, the DRC, Equatorial Guinea, Myanmar, Sierra Leone and Sri Lanka, OHCHR provided advice, technical assistance, training and relevant documentation to Governments to increase the compliance of their NHRIIs with the Paris Principles.

As part of the steps taken by the Myanmar National Human Rights Commission (MNHRC) to become Paris Principles compliant, OHCHR advised on the draft legislation to give the MNHRC a legislative basis, which is awaiting finalization before submission to the Parliament. The quasi-judicial capacity of the Human Rights Commission of Sierra Leone was further developed with the Human Rights and Rule of Law Section of UNIPSIL which provided technical assistance in relation to a second public inquiry into violations committed by the police in Bumbuna in April 2012.

In Burundi, the Commissioners of the newly-established Independent National Human Rights Commission enhanced their knowledge of the International Coordinating Committee (ICC) of National Institutions accreditation process through OHCHR training. OHCHR, together with civil society partners, assisted the staff of the Ombudsman Institute of the Republic of Azerbaijan, as well as civil society, to strengthen their knowledge of international human rights standards, including through the monitoring and reporting of human rights violations. Both institutions received an “A” status by the ICC.

In Afghanistan, the work of all nine commissioners has continued despite the fact they have not been reappointed since December 2011. This undermined the capacity of the Afghanistan Independent Human Rights Commission to act as a strong advocate for human rights. As of December 2012, the reappointment issue has not been resolved despite the repeated interventions by the High Commissioner
and efforts of the Special Representative of the Secretary-General in Afghanistan and several embassies.

**Support to establishment of other bodies promoting human rights**

OHCHR supported the efforts of States to establish authorities tasked with promoting the implementation of human rights at the national level. In Peru, OHCHR provided technical assistance for the establishment of the Vice-Ministry of Human Rights and Access to Justice within the Ministry of Justice. In Uganda, OHCHR and the Uganda Human Rights Commission advocated for the creation of a Human Rights Committee in Parliament, which was established in June, and organized an induction workshop on critical human rights issues for the committee members.

**National accountability mechanisms established and operating in accordance with international human rights standards and good practices**

In Yemen, the extensive work conducted by OHCHR, with the Ministries of Human Rights, Legal Affairs and with the Secretary-General’s Special Advisor, contributed to the issuance of a Presidential Decree in September providing for the establishment of a National Commission of Inquiry to investigate human rights violations committed during the events of 2011.

In Côte d’Ivoire, OHCHR shared information gathered by UN mechanisms with the National Commission of Inquiry established to investigate human rights violations committed after the 2010 elections. The report of the Commission of Inquiry was presented to the President in August 2012 and to the Special Investigation Cell to ensure that alleged perpetrators are brought to justice. Furthermore, technical support and training provided by the Human Rights Division of the United Nations Operation in Côte d’Ivoire (ONUCI) to national judicial institutions led to the holding of the first two national trials for crimes committed during the post-electoral crisis.

In Guinea, the joint advocacy efforts and legal advice provided by OHCHR, UN partners, the ICC and NGOs resulted in the Government’s allocation of additional resources to the judges in charge of investigating human rights violations committed during the events of 28 September 2009. This in turn led to the indictment of two government officials named in the report of the International Commission of Inquiry.1

In Timor-Leste, accountability for serious crimes and past human rights violations was enhanced through the completion of the investigation by the Office of the Prosecutor of approximately 80 per cent of the incidents identified by the Independent Special Commission of Inquiry. Since the establishment of the Commission in 2006, final judgments were rendered in seven cases, while 10 cases were closed pending discovery of new evidence. As of the end of 2012, investigations were pending for five incidents. The UNMIT Human Rights and Transitional Justice Section continued supporting the work of the Office of the Prosecutor by funding two international prosecutors.

OHCHR continued to support authorities in strengthening national capacities to effectively protect victims and witnesses of international crimes and gross violations of human rights. In Kosovo, OHCHR’s technical support and advice resulted in the adoption of a legal framework on victim and witness protection that effectively addressed human rights concerns. In Uganda, OHCHR is supporting the development of a similar legal framework.

In Mexico, the Federal Congress adopted the General Law on Victims which established a National System for the Attention to Victims to protect the rights of victims of crimes and human rights violations and their families. OHCHR-Mexico provided technical assistance during the drafting process, facilitated dialogue between congresspersons and victims and conducted advocacy efforts during the final stages of debates.

**National Preventive Mechanisms**

National Preventive Mechanisms (NPMs) established in accordance with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) provide effective independent oversight mechanisms to prevent torture and ill-treatment. OHCHR continued to advocate for and support the establishment of NPMs in all regions. This was particularly successful in Cambodia, Lebanon and Tunisia, where laws were drafted establishing NPMs. In Togo, the Commission Nationale des Droits de l’Homme is expected to finalize the amendments to its organic law to facilitate its restructuring to accommodate a NPM. In Ukraine, the Office of the Ombudsman became the country’s NPM in October 2012, after Parliament adopted the necessary amendments to the Ombudsman law.

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Transitional justice mechanisms (EA 3)

Transitional justice mechanisms increasingly established and operating in accordance with international human rights standards and good practices

OHCHR supports a comprehensive approach to transitional justice processes and mechanisms, which includes truth-seeking initiatives, judicial accountability mechanisms, legal reforms and reparations programmes. During 2012, the Office provided assistance and training in this regard in many countries across several regions of the world.

OHCHR continued to be actively engaged in monitoring, promoting and supporting transitional justice processes initiated in the Middle East and North Africa region (MENA). In November 2012, together with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the UNDP Regional Centre in Cairo, the Office co-organized a regional consultation on transitional justice, which helped raise awareness about international principles and standards among stakeholders engaged in transitional justice initiatives in the region.

In Tunisia, the technical committee in charge of overseeing the national consultation process and drafting the law on transitional justice increased its knowledge on transitional justice through trainings and technical advice provided by OHCHR.

In Libya, UNSMIL provided legal and technical advice, and jointly with OHCHR, trained prosecutors on the screening of detainees. Consequently, a screening committee was established and began reviewing cases of detainees. In a public report issued in September, UNSMIL made recommendations on reforming the Transitional Justice Law adopted by the National Transitional Council. This contributed to the submission to the General National Congress of a new draft Transitional Justice Law, which incorporates the majority of recommendations made by UNSMIL. Furthermore, one of the two Laws that grant amnesties to members of the former regime and the Thuwar was amended as a result of efforts undertaken by UNSMIL to encourage national authorities to revise the Laws.

In Colombia, the new National Centre for Historical Memory was strengthened through the adoption of an interdisciplinary methodology promoted by OHCHR through trainings for 40 newly hired interviewers of demobilized paramilitary members in the context of a non-judicial truth-seeking initiative. In Uganda, the new National Centre for Historical Memory was strengthened through the adoption of an interdisciplinary methodology promoted by OHCHR through trainings for 40 newly hired interviewers of demobilized paramilitary members in the context of a non-judicial truth-seeking initiative.

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In Nepal, OHCHR contributed to raising awareness on transitional justice through the October 2012 release of the Nepal Conflict Report, which documents and analyses serious violations of international law that occurred during the 1996-2006 conflict. It also worked to establish a database of around 30,000 documents, designed to provide a tool for Nepalese institutions and civil society to continue the process of seeking truth and justice for the crimes committed.

**Access to justice and basic services (EA 4)**

*Increased access to justice for individuals and groups facing discrimination*

Progress was made in the development of a joint UN Women, OHCHR and UNDP programme on access to justice for women. All three organizations drafted and approved the concept note and the terms of reference of the multi-partner Trust Fund to support a joint programme. Project documents are expected to be developed and approved in 2013.

OHCHR also supported the elaboration of a Regional Protocol for the Investigation of Femicide in order to strengthen capacity of law enforcement officers in Latin America to investigate, prosecute, punish and redress femicide.

In Cambodia, the Office increased awareness of the rights of people in police custody, including through the publication, together with the Ministries of Interior and Justice, and distribution of an “Arrest Rights Card,” which explains in plain language the rights of detainees. OHCHR also improved access of rights-holders to quality legal representation, in partnership with Avocats sans Frontières, to provide free legal representation for four months in criminal cases throughout the country. A legal advocacy officer will be recruited to assist lawyers in developing arguments using international human rights law.

In Colombia, OHCHR encouraged victims to use national protection mechanisms and fostered the adoption of protection measures by the National Protection Unit in cases of threats and attacks against and the persecution of persons involved in land restitution processes. For instance, in the department of Bolívar, OHCHR, in coordination with the National Protection Unit, helped ensure protection measures for a land restitution claimant whose life had been threatened by post-demobilization groups. The intervention of OHCHR in Becerril (Cesar) also helped a group of investigators and journalists working on land grabbing to receive the necessary protection to continue carrying out their work.

**A human rights case in Cambodia**

OHCHR employed a Legal Advocacy Officer whose role it is to work with lawyers in pursuing emblematic human rights cases (strategic litigation) as well as to support lawyers defending their clients with arguments based on national and international human rights law.

In late 2011, a female garment factory worker (S.R.) was convicted under the human trafficking law because of her same-sex relationship with a teenage fellow factory worker. S.R. assumed her girlfriend to be at least 15 years old (the age of consent) because of her employment, however, she was in fact under 15 at the time, having used someone else’s birth certificate to gain employment in the factory. The prosecution was pursued at the request of the girlfriend’s family, who disapproved of the relationship. S.R. was sentenced to five years prison after a trial with fair trial rights concerns.

OHCHR’s Legal Advocacy Officer supported S.R.’s appeal against her conviction, engaging a lawyer and providing expert legal support to the lawyer, including arguments based on article 14 of ICCPR and General Comment No. 32 of the Human Rights Committee. OHCHR and the lawyer successfully sought an expedited hearing by the Court of Appeal. During the hearing on 12 December 2012, the Court recognized the existence of a same-sex relationship. On 31 December 2012, the Court of Appeal overturned the first instance decision, dropped the charges against S.R. and ordered her immediate release.

**Human rights defense lawyers in Kyrgyzstan**

One-month strategic litigation internships were organized by OHCHR for lawyers in Kyrgyzstan to work with leading NGOs in Russia. The participating lawyers were selected as being among the most qualified and motivated in defending victims of serious human rights violations. The internships allowed Kyrgyz lawyers to benefit from the experience of their Russian colleagues in defending victims of torture, ill treatment and arbitrary arrest. Upon their return, these lawyers proved to be better equipped to draft individual petitions to the Human Right Committee which improved the quality of their defence strategy at the national level. OHCHR also provided professional mentoring and practical training to the lawyers.
Responsiveness of the international community and the United Nations system (EA 10)

Increased responsiveness of international entities, including the International Criminal Court, international tribunals, the Human Rights Council and UN human rights mechanisms to combat impunity in critical human rights situations

OHCHR, together with other relevant entities, contributed to ensuring that the Declaration on the rule of law at national and international levels, adopted by the General Assembly on 24 September 2012 at the High-level Meeting on the Rule of Law, included numerous reaffirmations by Member States of their commitments related to human rights and various components of the rule of law. This was a unique occasion for Member States to make individual pledges, including regarding issues such as the independence of the judicial system, equal access to justice and transitional justice and impunity.

The High Commissioner continued to advocate globally, through a continuous output of public statements, speeches and opinion articles, on the need to investigate human rights violations, ensure the accountability of those responsible and provide reparations to victims. In addition, the High Commissioner continued to engage with Member States during sessions of the Human Rights Council, while on mission to 10 countries (including Algeria, Barbados, Guatemala, Indonesia, Kazakhstan, Kyrgyzstan, the Netherlands, Pakistan, South Sudan and Zimbabwe), and during high-level bilateral meetings in Geneva and New York, to advance the responsiveness of the international community on accountability situations. The High Commissioner also contributed to increasing the prominence of human rights and accountability aspects of crises.
through her interventions at the Security Council on the situations in Libya, Sudan and South Sudan, Syria and the State of Palestine.

Throughout the year, the Office continued to provide methodological advice to commissions of inquiry and fact-finding missions, set up by the Human Rights Council, including to the Syria Commission of Inquiry and the Fact-Finding Mission on the Israeli Settlements in the Occupied Palestinian Territory, which led to an increased coherence in approaches and methodologies. Lessons learned exercises were conducted following the Commission of Inquiry on Libya and the second phase of the Commission of Inquiry on Syria. OHCHR also led an internal review of commissions of inquiry and fact-finding missions which will enhance their effectiveness and OHCHR’s ability to support the work of these investigative bodies.

Advocacy work undertaken in relation to the universal abolition of the death penalty continued in 2012. In preparation for the adoption of resolution A/67/44 by the General Assembly in December, which calls for a global moratorium on the death penalty, the Office organized a Global Panel event in New York. The event resulted in greater awareness of the human rights deficits of implementing the death penalty and possible strategies for transitioning to abolition or the application of a moratorium.

OHCHR also continued to raise the awareness of Member States regarding due process and the right to fair trial in the context of counter-terrorism and promoted progress at the national level through a series of recommendations on the protection of human rights while countering terrorism. For this purpose, OHCHR organized, in collaboration with the UN Counter-Terrorism Implementation Task Force, two regional expert symposia for stakeholders from the MENA region and Europe.

With a view to ensuring better protection for the human rights of those who are deprived of their liberty, OHCHR continued to participate in the UNODC-led process to revise the Standard Minimum Rules for the Treatment of Prisoners, including by providing information on relevant human rights standards and jurisprudence.

Challenges and lessons learned

During 2012, OHCHR continued to actively contribute to the ongoing efforts of the UN system to enhance the rule of law and combat impunity. Bearing in mind ongoing demands arising out of developments in North Africa and the Middle East, as well as in other regions in the world, more efforts and resources are needed to ensure that OHCHR can effectively respond to the many human rights challenges being faced. For instance, many challenges remain in regard to the adequate resourcing of investigative bodies and the establishment of fast-track procedures for the recruitment of staff that supports such investigations.

Strategic efforts should be made to address these challenges. In particular, OHCHR needs to advocate more visibly and effectively for the mandatory inclusion of commitments to combat impunity and the promotion and protection of human rights in peace mediations, negotiations and agreements. The Declaration on the rule of law at national and international levels adopted by the General Assembly in September 2012 constitutes a good advocacy tool in this regard, which will require adequate follow-up to ensure implementation of individual pledges made by Member States.

Much more remains to be done at the national level, including securing clear political commitments from States to counter impunity and ensuring their implementation through effective legislation and policies. OHCHR's advocacy work will therefore need to be strengthened and its capacity must be increased in order to respond to calls for technical assistance and the provision of expert legal advice.

OHCHR’s leadership role in enhancing accountability for violations, fostering transitional justice measures and supporting institution-building has greatly benefited from its partnership with other organizations within the UN system. OHCHR is strongly committed to a coordinated, coherent and responsive approach to the rule of law and accountability in order to strengthen the delivery of assistance and underline the broader human rights message.