



Accountability (A)

Strengthening the rule of law and accountability for human rights violations



JUSTICE SYSTEMS, TRIALS AND PRISON CONDITIONS



Trials

611 court cases monitored



Places of detention

1,852 visits undertaken



Detainees

3,047 persons released (upon action from UN Human Rights, including 397 women, 2,487 men and 163 children)



Monitoring missions

4,612 human rights situations documented
(43% in person and 57% remotely)

NON-JUDICIAL ACCOUNTABILITY MECHANISMS



Human rights mechanisms

85 opinions adopted by the Working Group on Arbitrary Detention (53 urgent appeals, 198 allegation letters and 8 other letters initiated or joined)

99 communications sent by the Working Group on Enforced or Involuntary Disappearances (486 new cases transmitted to States, including 50 under its urgent action procedure)

216 communications sent by the Working Group on Business and Human Rights (including 172 joint allegations letters, and 44 other joint letters)



Paris Principles-compliant national human rights institutions (NHRIs)

128 countries with established/enhanced NHRIs
(including 86 accredited with A status, 32 with B status)



Human rights-based approach to data and indicators

operationalized in **11** countries
(following agreements between NHRIs and national statistical offices and other government agencies)

Strengthening prevention of and response to sexual and gender-based violence in Kenya

As monitoring efforts have demonstrated, cases of sexual and gender-based violence in Kenya consistently increase during election periods. UN Human Rights worked closely with UN Women to strengthen the prevention of and response to SGBV. The objective of their efforts was to empower community-based WHRDs and enhance their engagement with duty-bearers.

ASSISTING SURVIVORS OF SGBV

Fatuma Wambui is the founder and Volunteer Coordinator of the Winam Social Justice Centre, with more than 15 years of experience in SGBV response work. As a survivor of domestic violence, Fatuma is motivated to protect other survivors from the same experiences she endured.

“During the 2017 elections, I handled 19 cases of SGBV. They were reported to the Independent Policing Oversight Authority (IPOA), but the perpetrators were the police. We are now heading to the next elections and none of these cases have been investigated. Survivors are still receiving psychosocial support. They are still being intimidated and not being believed. It can be such a long process,” notes Fatuma.



Fatuma Wambui, Volunteer Coordinator of the Winam Social Justice Centre, assisting clients/survivors of gender-based violence. © OHCHR

EQUIPPING HUMAN RIGHTS DEFENDERS

Caren Kiare Omanga is the founder and Chair of the Nyando Social Justice Centre, situated in western Kenya. “It’s one of the most dangerous jobs to do in Kenya. You need a hard heart. Cultural values in this region and human rights do not go together. We are empowering women, but according to many community elders, we are inciting women against men.” These challenges take a toll on HRDs, often translating into burnout.

To combat these challenges, UN Human Rights and UN Women trained 38 HRDs in four target counties in western Kenya and Nairobi. Consequently, a total of 650 SGBV survivors received counselling and accessed legal aid in 2020-2021. UN Human Rights also facilitated the provision of psychosocial support to WHRDs to help prevent burnout when assisting survivors.

Goretti Ondola is a survivor who received justice after being supported by HRDs who were trained by UN Human Rights. For over 20 years, the family of Goretti’s late husband subjected her to psychological abuse, culminating in a brutal attack that led to her hospitalization. She reached out to the Nyando Social Justice Centre and, with Caren’s assistance, obtained land rights and a physical boundary that protects her and her son.

“The WHRDs at the Centre helped me get medical care and report the case to the police, which I was not comfortable doing,” says Goretti. Like Caren and



Caren Kiarie Omanga, Chair of the Nyando Social Justice Centre and WHRD. © OHCHR

Fatuma, Goretti now assists other women by referring them to social justice centres.

ENGAGEMENT WITH DUTY-BEARERS

UN Human Rights also works with rule of law and justice system actors to pursue accountability for human rights violations as an important element of prevention. For example, UN Human Rights supported a Tripartite Task Force, under the leadership of the Office of the Director of Public Prosecutions, to develop the Standard Operating Procedures on the Investigation and Prosecution of Serious Human Rights Violations Committed by Police Officers, which were launched on 8 June.

In addition, UN Human Rights is strengthening connections between HRDs, the IPOA and the justice system to ensure a survivor-centred approach is incorporated into any responses to SGBV perpetrated by police officers.

Highlights of pillar results

Accountability (A)

The legal protection of all human rights requires various actors to uphold 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., 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 accountability 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

Spotlights: Disabilities Women Youth

During 2021, in accordance with a protocol created in cooperation with the Government, UN Human Rights visited 14 detention centres in **Venezuela** and interviewed 183 detainees, 33 of whom were women and 23 of whom were children. In March, UN Human Rights undertook its first visit to a pretrial detention centre in Caracas, managed by the Bolivarian National Police. Four more pretrial detention centres were visited in the following months. After each visit, UN Human Rights submitted a confidential report to authorities containing **recommendations to improve compliance with international detention standards and address urgent individual cases** regarding the rights to due process and health. Some of these recommendations were subsequently implemented, including the resumption of visits of relatives and lawyers, calls to family members and improved physical conditions, in particular related to hygiene. UN Human Rights also undertook advocacy with authorities regarding the individual cases of some detainees that required immediate solutions, including in relation to health care, judicial delays and the non-execution of judicial release orders. These efforts led to the **release of 85 persons**, 13 of whom were women.

In **Georgia**, UN Human Rights strengthened the capacity of the State Inspector Service and supported the advancement of policies, laws and practices that enhance independence of the Service, especially with regard to **investigations of alleged human rights violations committed by law enforcement agencies**. Following the findings of a study supported by UN Human Rights, a package of legislative changes was submitted to the Parliament of Georgia for endorsement. UN Human Rights also cooperated with the Ministry of Justice to establish a national mechanism for supporting the rehabilitation of victims of torture and other ill-treatment. UN Human Rights undertook a study on the existence of rehabilitation systems for victims of torture in different countries that was used as an advocacy tool to encourage the Government of Georgia to make a policy decision on the creation of such a mechanism.

UN Human Rights **strengthened the institutional capacity** of the **Iraqi High Commission for Human Rights (IHCHR)**, particularly at the governorate level, by working on issues related to enforced disappearance, the prevention of torture, the rights to freedom of expression and peaceful assembly. With support from UN Human Rights, the IHCHR organized a series of workshops throughout the year for personnel from the Ministry of Interior to enhance their capacities to protect human rights during

their operations. Despite concerns over its independent functioning, the Global Alliance of National Human Rights Institutions (GANHRI) accredited IHCHR with “A” status, in July.

 In **Libya**, UN Human Rights mobilized national partners, in particular the Committee of Libyan Experts on Combating Violence Against Women, to conduct a **comprehensive review of the draft law on violence against women** to ensure its compliance with international human rights standards. Following a series of consultations, the draft law was presented by the Ministry of Women's Affairs to 19 women Members of Parliament and other national partners. An advocacy campaign will be launched to support its endorsement. In addition, UN Human Rights conducted an assessment mission on the needs of women and children detained at the Mitiga Detention Centre in Tripoli. As a result of advocacy efforts, the Prosecutors Legal Review Committee, established by the Attorney General, reviewed and brought before the court the legal cases of 2,845 inmates, 2,150 of whom were subsequently released.

UN Human Rights led or participated in 10 Joint Investigation Teams (JITs), nine Joint Assessment Missions (JAMs) and 10 investigation or monitoring missions, primarily in the provinces of Ituri, North and South Kivu, Kasai, Kasai Central and Tanganyika in the **Democratic Republic of the Congo**, in collaboration with civilian and judicial military authorities, to **fight against impunity**. Seventeen mobile courts were supported to address emblematic cases. UN Human Rights also provided technical assistance to judicial authorities regarding the handling of cases of international crimes. A total of 175 convictions were recorded as serious human rights violations.

UN Human Rights contributed to the adoption by the **European Commission** of stronger language on rule of law backsliding through the submission of a comprehensive analysis during the Commission's consultations on the **2021 rule of law report**. The submission was based on relevant findings issued by the international human rights mechanisms and UN Human Rights from 2018-2021 in relation to all 27 EU member states. It also highlighted engagements and common messaging with partner organizations, such as the European Network of National Human Rights Institutions. In the development of its forthcoming 2022 report, the European Commission expanded its methodology and referred to previous submissions and reactions to its second 2021 rule of law annual report. Its objective is to craft a more effective response to rule of law challenges that are taking place in the context of an increasingly polarized landscape.

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.



UN Human Rights advocated for the establishment of a **mechanism to address the fate and whereabouts of missing persons in Syria** and provided support to their families through the High Commissioner's statements and speeches, outreach to Member States and the oral update to the Human Rights Council, in September. This contributed to the Third Committee of the General Assembly passing a resolution, in November, calling on the Secretary-General to conduct a study on how to bolster efforts to clarify the fate and whereabouts of missing persons in the Syrian Arab Republic.

On 25 May, Somalia's Minister of Defence adopted a **human rights policy for the Somali National Armed Forces (SNAF)**, which reaffirms the promotion and protection of human rights and urges their compliance to prevent all forms of conflict-related sexual violence (CRSV). The document reflects Human Rights Due Diligence Policy measures, which were highlighted as critical to strengthening oversight and accountability in a risk assessment that was sent to the Ministry of Defence and the SNAF in 2016 and 2021, respectively.

In December 2020, 11 violent riots that took place at prisons in **Ecuador** resulted in 418 deaths, the destruction of facilities and the reported rape of a policewoman. In this context, under the leadership of the Resident Coordinator, UN Human Rights and UNODC undertook a baseline study and developed a proposal for comprehensive penitentiary reform that is founded on a human rights-based approach. UN Human Rights analysed the gathered information and prioritized two key initiatives to promote an HRBA in response to the crisis. First, a technical mission was undertaken to strengthen the capacities of the National Preventive Mechanism (NPM) and advocate for the importance of its role. Second, expert advice was provided for the development of the new public policy on social rehabilitation, at the request of the Secretariat for Human Rights. As a result, the Head of the NHRI **reviewed the structure of the NPM, with a view to ensuring its independence.**

Following the publication of the findings of the joint UN Human Rights-Ethiopian Human Rights Commission (EHRC) report on the human rights situation in Tigray, on 3 November, the Government of Ethiopia announced the **establishment of an Interministerial Taskforce to implement the recommendations of the joint OHCHR-EHRC report.** The Interministerial Taskforce established four committees dedicated to investigations, SGBV, refugees and internally displaced persons (IDPs) and resource mobilization. UN Human Rights and the EHRC were invited by Ethiopia's Ministry of Justice to provide capacity-building and technical advice to the Interministerial Taskforce and key government officials.

A3 – Investigation of GENDER-related CRIMES

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



As a member of the **Team of Experts on the Rule of Law and Sexual Violence in Conflict (ToE)**, UN Human Rights supported national authorities in the **investigation and prosecution of sexual violence crimes in conflict and post-conflict settings**. For instance, in the Central African Republic, the ToE deployed a specialist to provide mentoring and capacity support to national authorities. This resulted in the finalization of two field investigation reports regarding serious incidents in Kaga Bandoro and Bossangoa. The two cases involving 264 and 150 victims of CRSV, respectively, were referred to the Office of the Prosecutor in Bangui and Kaga Bandoro's High Court. UN Human Rights also led the development of a joint United Nations amicus curiae brief to the International Criminal Court in relation to the case of *The Prosecutor v. Dominic Ongwen*. Dominic Ongwen was found guilty of 61 crimes against humanity and war crimes, including sexual and gender-based crimes, which took place in Northern Uganda between July 2002 and December 2005. This case marked the first time that the crime of forced marriage was considered by the Court. On 6 May, he was sentenced to 25 years in prison.

In **Mexico**, UN Human Rights developed a **methodology for specialized prosecutors working on femicide cases** to ensure that the due diligence principle includes a gender and human rights perspective. In accordance with an agreement with the General Prosecutor of Mexico City, the methodology will be implemented in 2022.

In **South Sudan**, UN Human Rights assisted with the development and consolidation of the Joint Action Plan and provided technical support to the Joint Implementation Committee (JIC) of the Joint Action Plan of the Armed Forces on CRSV, which is composed of the South Sudan People's Defence Forces (SSPDF), the Sudan People's Liberation Movement/Army-in-Opposition (SPLM/A-IO) and the South Sudan Opposition Alliance (SSOA). The Committee was officially launched on 30 November. UN Human Rights provided technical assistance and facilitated a series of meetings to assist the JIC in developing approaches and strategies to fulfil its mandate to lead and oversee the implementation of the Joint Action Plan.

In **Kenya**, UN Human Rights initiated plans to engage WHRDs in Kisumu, Vihiga and Bungoma counties under Phase II of the "Let It Not Happen Again" joint project, which is being implemented in cooperation with UN Women, in order to strengthen the **prevention of and response to election-related sexual violence**. UN Human Rights trained 15 HRDs (11 women, four men) to enable them to provide facilitated access to medical and justice services by SGBV survivors and identify the delivery of services by duty-bearers to enhance effective prevention and response to gender-based violence. As a result of the training, the participating HRDs subsequently assisted 139 GBV survivors (135 women, four men) with reporting their cases to the police and accessing medical and psychosocial services. UN Human Rights also provided psychosocial services to HRDs to protect them from burnout when assisting GBV survivors.

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.



In collaboration with the human rights programme of the National Autonomous University of **Mexico**, UN Human Rights defined, contextualized and **validated a set of indicators for the Escazú Agreement**, which the Secretariat of Foreign Affairs adopted as the Agreement’s reporting framework. In addition, federal authorities validated and adopted a set of 108 indicators on water and sanitation for Mexico, which were developed by UN Human Rights in collaboration with the National Institute of Water Technologies.

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.



Due to UN Human Rights’ strategic advocacy for the **seventh review of the Global Counter-Terrorism Strategy**, some of OHCHR’s inputs were incorporated into the review resolution (A/RES/75/291), which include: a reference to the UN Guidance Note on the promotion and protection of civic space; a call for the creation of an enabling environment for civil society; an explicit reference to OHCHR and the integration of the reports and recommendations issued by the human rights treaty bodies, the special procedures and the UPR; recognition of the differential impact of terrorism and counter-terrorism measures on women and girls; and an explicit reference to freedom of expression and association.

UN Human Rights remained involved in the development of the **Global Framework for UN Support on Syria/Iraq Third Country Returnees**, until its official launch, in September. UN Human Rights will continue to play an active role in its implementation, stressing the need for mainstreaming human rights principles and gender perspectives into every stage of the return process.

The UNCT in **Myanmar** demonstrated its responsiveness to human rights concerns by undertaking targeted actions, both internally and publicly. During the present crises, UN Human Rights provided support to the UNCT by **promoting coordinated, coherent and consistent human rights messaging and a condemnation of violence** used against peaceful protesters and mass detentions. Furthermore, as a result of the suspension of all programmes that were being delivered through the mechanisms of the Government, the UN reoriented its programmes to support locally-based solutions and mechanisms instead of State apparatuses that were controlled by the military. In implementing these engagement principles, the UN assessed human rights risks for their programmes and, where possible, repurposed their efforts in support of human rights protection. Furthermore, the UNCT undertook significant efforts to steer future programming towards meeting the needs of the most vulnerable through humanitarian and socio-economic responses.

Strategic litigation: A force for gender justice

A group of lawyers, academics, legal practitioners and activists across Latin America have united under the belief that strategic court cases can bring justice, reparations and healing to SGBV survivors.

“The Latin American Network for Gender-based Strategic Litigation (ReLeG) was established in 2021 to advocate for and strengthen accountability efforts for gender-based crimes in Latin America and provide a platform for advocates to disseminate and exchange good litigation practices across the region,” said Susana SáCouto, one of the group’s organizers.

“We saw that many organizations and victims’ advocates were working in isolation, unaware of similar cases being litigated in the region or of successful jurisprudential advances and strategies,” she said.

“Strong peer networks are indispensable to sharing lessons learned,” added Seoane, another organizer. “It is generally an advocacy process, not single interventions, that contributes to positive change. We hope this network will support participants in these initiatives.”

FROM A WORKSHOP TO A COALITION

It all began with a workshop in Bellagio, in 2017, during which advocates exchanged information, good practices and common challenges faced in their cases and projects. With the assistance of UN Human Rights, the group became more formalized. UN Human Rights sponsored a

roundtable discussion on strategic litigation of gender-based violence cases in Latin America. The subsequent report laid a foundation for the group’s advocacy work.

“ReLeG is a platform that reflects a diversity of experiences and backgrounds and can be used to disseminate and exchange good practices, academic research and expertise on specific GBV cases. More broadly, it can help users find creative solutions to advance gender justice and gender equality,” said Georgina Mendoza, a UN Human Rights Officer. “For UN Human Rights, it is important to support collective efforts that are focused on societal transformation.”

STRATEGIC LITIGATION MEANS STRUCTURAL CHANGE

“Strategic litigation includes bringing cases before judicial and quasi-judicial bodies that aim to have a lasting impact beyond addressing the harm suffered by those victims,” said Kravetz, a co-organizer of ReLeG.

One of the best examples of this was Guatemala’s groundbreaking 2016 Sepur Zarco court case, which dealt with CRSV against indigenous women during the country’s civil conflict. The trial resulted in the conviction of former military members, as well as transformative reparations that included monetary compensation, restitution and rehabilitation. The reparations sought to strengthen access to health and education in the communities of the litigants and supported the development



March against gender-based violence in Lima, Peru. © EPA-EFE

of cultural projects for the women of Sepur Zarco. The judgment was translated into the 24 Mayan languages.

A NETWORK OF JUDICIAL ADVOCACY FOR ALL SURVIVORS

The focus on SGBV for strategic litigation in Latin America is an attempt to end impunity for these crimes.

“We expect that this platform will facilitate our work as a coalition and increase our capacity to break the existing patterns of impunity regarding SGBV,” said Claudia Martin, a group organizer. “We believe that ensuring past perpetrators are held accountable for SGBV in conflict or situations of political repression is necessary to addressing new forms of gendered violence. Present day violence reproduces historical patterns of discrimination and is committed by States and private actors.”