



Combating impunity and strengthening accountability and the rule of law

Relevance of the issue

Recent events around the world have provided stark reminders of how an absence of the rule of law leads to violations of civil, political, economic, social and cultural rights, as well as to oppressive rule and conflict. As a result, Member States came together at a General Assembly high-level meeting in September 2012 and reaffirmed their commitment to the rule of law, as well as the interlinked and mutually reinforcing nature of the rule of law and human rights, by adopting the Declaration on the Rule of Law at the National and International Levels. They further committed themselves to ensuring accountability for international crimes and other gross violations of human rights and supporting the establishment of transitional justice mechanisms.



Human rights training of security forces in Uganda. A sound understanding of human rights standards among law enforcement officials is essential for access to justice.

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are based on international norms and standards and uphold the rule of law and protection of all rights, including economic, social and cultural rights. These systems must be made accessible to all, including women and girls.

According to recent statistics, more than 10.2 million people in the world are deprived of their liberty, and an important number among them are awaiting trial. The conditions of life for these persons, in all regions, remain alarming and their numbers are constantly increasing. Strengthened National Preventive Mechanisms (NPMs) remain an important priority to prevent and punish acts of torture and ill-treatment.

In a series of resolutions beginning in 2007, the General Assembly has called for a global moratorium on the death penalty with a view to its eventual abolition. Approximately 160 out of 193 States have abolished the death penalty or observe a legal or de facto moratorium on its use. Despite this, a number of States maintain the death penalty and several hundreds of executions continue to be carried out each year, including many in violation of provisions under international law, in particular, the obligation to limit the death penalty to the most serious crimes.

OHCHR expected contribution

Combating impunity and strengthening accountability and the rule of law

RIGHTS-HOLDERS CLAIM THEIR RIGHTS

DUTY-BEARERS COMPLY WITH THEIR OBLIGATIONS

Thematic Priorities

[Enhancing equality and countering discrimination](#)

[Increasing implementation of the outcomes of the human rights mechanisms](#)

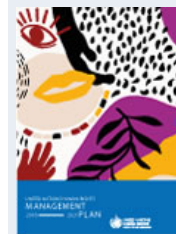
[Strengthening the rule of law and accountability for human rights violations](#)

[Enhancing participation and protecting civic space](#)

[Preventing violations and strengthening protection of human rights](#)

[Advancing sustainable development through human rights](#)

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Combating impunity and strengthening accountability and the rule of law

RIGHTS-HOLDERS CLAIM THEIR RIGHTS	DUTY-BEARERS COMPLY WITH THEIR OBLIGATIONS
<p>[EA5]</p> <ul style="list-style-type: none"> ▶ Increased use of national protection system by rights-holders, especially through strategic litigation on economic, social and cultural rights ▶ Civil society, in particular youth and women, increasingly advocate and claim their rights and protect themselves more effectively from reprisals 	<p>[EA1]</p> <ul style="list-style-type: none"> ▶ National justice systems, encompassing customary justice systems, established and functioning in accordance with international human rights norms and standards and increasingly applying them, including economic, social and cultural rights ▶ Increased compliance of national legislation, policies, programmes and institutions with international human rights norms and standards relating to the deprivation of liberty and the prohibition and prevention of torture and ill-treatment ▶ Increased number of States that have abolished the death penalty and/or, pending abolition, increasingly comply with relevant international human rights obligations ▶ Counter-terrorism legal frameworks, policies, strategies and institutions increasingly aligned with international human rights norms and standards ▶ Increased use of anti-discrimination and equality standards by judges and prosecutors ▶ Legal frameworks, public policies and institutions are in place and functioning to combat sexual and gender-based violence, trafficking and related exploitation
	<p>[EA2]</p> <ul style="list-style-type: none"> ▶ Increased ratification of international human rights instruments and review of reservations
	<p>[EA4]</p> <ul style="list-style-type: none"> ▶ Transitional justice mechanisms established and increasingly operating in accordance with international human rights norms, standards and good practices ▶ Protection systems and accountability mechanisms are established and functioning in compliance with international human rights norms and standards to monitor, investigate and redress acts of torture and ill-treatment and violations of the rights of persons deprived of their liberty ▶ National mechanisms provide for effective implementation of business and human rights standards by States and the private sector, including remedies for human rights abuses
<p>[EA7]</p> <ul style="list-style-type: none"> ▶ Increased number and diversity of rights-holders, and of NHRIs and civil society actors acting on their behalf, making use of UN and regional human rights mechanisms and bodies 	<p>[EA6]</p> <ul style="list-style-type: none"> ▶ Increased compliance and engagement of Member States with international human rights mechanisms
	<p>[EA8]</p> <ul style="list-style-type: none"> ▶ Progressive development of international and regional human rights law in areas relevant to the thematic priorities

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DUTY-BEARERS COMPLY WITH THEIR OBLIGATIONS

[EA10]

- ▶ Increased responsiveness of the international community in ensuring accountability for gross human rights violations

[EA11]

- ▶ Enhanced coherence and effectiveness of the UN in supporting the rule of law and human rights-compliant counter-terrorism policies

By 2017, OHCHR expects to have contributed to the achievement of the results outlined on the table above. OHCHR will pursue these behavioural, institutional and legislative changes in cooperation with relevant partners and using the different strategic tools at its disposal (see Part I on OHCHR's Theory of Change). It is expected that if achieved, these results will contribute to improving the duty-bearers' compliance with their international human rights obligations and to the rights-holders' ability to claim their rights, and thereby to combating impunity and strengthening accountability and the rule of law. To illustrate the interrelated nature of the Thematic Strategies, the table shows all the results to which OHCHR is planning to contribute in this area, including relevant results from other strategies which can be identified as follows: ▶ Mechanisms Strategy; ▶ Discrimination Strategy; ▶ Development Strategy; ▶ Democracy Strategy; ▶ Violence Strategy.

OHCHR added value

Focus areas

- Human rights in the administration of justice
- Transitional justice
- Torture, death penalty and deprivation of liberty
- Counter-terrorism and human rights
- Legal and judicial protection of economic, social and cultural rights

Combating impunity and promoting accountability and the rule of law is a challenging area in which sustainable progress requires long-term sustained efforts and resources. Institutional transformation can take at least a generation, even for rapidly transforming countries. It is also an area in which a large number of actors, including UN actors, are involved. As the independent, authoritative and expert voice on human rights protection within the UN system, OHCHR combats impunity and promotes accountability and the rule of law at the global, regional and national levels. The Office's rule of law activities are based on strong normative grounds.

OHCHR's field presences provide the Office with an essential outreach capacity to advocate for rule of law and accountability issues and to support national stakeholders in the implementation of relevant norms and standards, particularly in relation to the implementation of the recommendations from the various human rights mechanisms. The role of OHCHR as Secretariat of these mechanisms places the Office in a unique position to respond to States' requests for technical assistance and legal advice to implement these recommendations.

Through its pivotal role vis-à-vis the Human Rights Council, its special procedures, and treaty bodies, OHCHR is well-placed to support the further development and implementation of human rights norms and standards. Moreover, the Office has a crucial role to play to ensure that these human rights norms and standards are duly reflected in and form the basis of the rule of law programmes, policies and activities throughout the UN system.

The Office has acquired considerable experience in the development of tools and guidance materials which outline international norms and best practices relevant to the rule of law, impunity and accountability, such as the "rule-of-law tools" series and the Secretary-General's Guidance Note on the United Nations Approach to Transitional Justice, which are disseminated through OHCHR's field presences.

Recognizing that transitional justice strengthens the rule of law and promotes sustainable peace, OHCHR also supports transitional justice processes that are consistent with international law and good practices. In doing so, OHCHR seeks to ensure an inclusive, participatory and victim-centred approach that would

safeguard respect for and implementation of victims' rights to an effective remedy. In addition, the Office identifies gaps and responds by providing technical assistance to Member States, civil society and UN partners and engages in global and national advocacy directed at combating impunity. Increased focus should be placed on the implementation of recommendations resulting from transitional justice processes and strengthening of national capacity to investigate and prosecute international crimes.

OHCHR has a comparative advantage in supporting judicial reform efforts to strengthen the capacity of national justice systems to protect human rights. The Office works with States to ensure

compliance with human rights standards relevant to the administration of justice, particularly with regard to due process, fair trial guarantees, and use of the death penalty. OHCHR continues to have an important advocacy role regarding the global abolition of the death penalty and provides technical assistance and advice to retentionist Member States to ensure compliance with international norms and standards.

OHCHR manages direct assistance provided to victims of torture through the Voluntary Fund established by the General Assembly and supports the preventive activities of the Subcommittee on Prevention of Torture as well as the implementation of the recommendations of the Committee against Torture and the Special Rapporteur on torture. Based on the relevant international normative framework and OHCHR's well-established experience in monitoring, reporting, advocacy and technical assistance, the Office has developed tools to assist Member States in combating torture and other forms of ill-treatment and strengthen protection of the rights of persons deprived of their liberty in line with international norms and standards.



Participants look at an exhibition on torture organized by OHCHR in Papua New Guinea. © OHCHR Photo/Ness Kerton



Press conference by Ben Emmerson (at table, right, and on screen), Special Rapporteur on the promotion and protection of human rights while countering terrorism and Christof Heyns (at table, left), UN Special Rapporteur on extrajudicial, summary or arbitrary executions at UN Headquarters in New York. © UN Photo/Paulo Figueiras

OHCHR's expertise, guidance materials and experience have proven to be instrumental in promoting the inclusion of economic, social and cultural rights in the public agenda and mobilizing an array of different actors and stakeholders with a view to affording better legal and judicial protection of these rights.

OHCHR's leadership role in this area has greatly benefited from its partnership with other institutions within the UN system. Such partnerships include, inter alia:

- Participation in the Rule of Law Coordination Resource Group which is led by the Deputy Secretary-General and has recently decided to co-locate staff from different parts of the UN in one office to facilitate the work of the Global Focal Point on Justice, Police and Corrections (established in 2012 by the Secretary-General).
- Partnership agreement with UN Women and the United Nations Development Programme (UNDP) to support comprehensive and coordinated law and justice sector reforms through the UN Global Women's Access to Justice Programme.
- Cooperation with the Department of Peacekeeping Operations (DPKO), UNDP and UN Women on transitional justice-related issues, including through joint projects, such as those in Tunisia and Yemen, and the participation of OHCHR trainers in rule of law trainings for DPKO Judicial Affairs Officers.

- Cooperation with the United Nations Office on Drugs and Crimes (UNODC) on a wide range of matters, including issues relating to the right to legal aid, counter-terrorism, the revision of the Standard Minimum Rules for the Treatment of Prisoners, issues relating to cybercrime and human rights aspects of combating drugs and crime.
- Cooperation with DPKO in the elaboration and implementation of the Rule of Law Indicators Project which seeks to provide national authorities with guidance to assess and identify needs for reform of their criminal justice institutions so that they comply with relevant international standards.
- Active involvement in the Inter-agency Panel on Juvenile Justice (IPJJ) to contribute to the establishment of justice systems that fully respect the rights of the child. The IPJJ is a coordination panel on technical advice and assistance in juvenile justice consisting of 13 UN agencies and NGOs.
- Cooperation with UN partners in the area of human rights and counter-terrorism, in particular through its role as member of the CTITF and as chair of the CTITF Working Group on Protecting Human Rights while Countering Terrorism.

In light of the challenges faced and the large number of actors involved, pursuing a coordinated, coherent and responsive approach to combating impunity and strengthening the rule of law will remain a high priority on the agenda of OHCHR for the coming years.

For more information about how OHCHR intends to contribute to the changes outlined in this page, please see the complete text, which is contained in the [OHCHR Management Plan 2014-2017](#).

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