

Impunity and the rule of law

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

Background

Developments around the world in 2011 demonstrated that UN engagement to strengthen the effective protection of human rights and the rule of law is more essential than ever. Within the UN system, OHCHR continued to play a leading role in nurturing positive conditions for respect of the rule of law and democracy, in particular through its focus on combating impunity and strengthening accountability.

The absence or collapse of the rule of law in any State can result in violent conflict or repression, leading to gross violations of human rights. Impunity is often the primary obstacle to upholding the rule of law. Human rights become a mockery when killings, disappearances, torture, rape and other forms of sexual violence go unpunished, when amnesty laws exempt perpetrators from responsibility, when inquiries into excessive use of force fail to produce results and when economic, social and cultural rights cannot be attained through a judicial process.

Establishing effective mechanisms to ensure that perpetrators of human rights violations will not go unpunished is an important step in restoring the rule of law in the aftermath of conflict or authoritarian regimes. National accountability mechanisms are also vital to ensuring that victims obtain appropriate remedies and redress.

Transitional justice is recognized as essential for countries recovering from conflict or repressive rule. Rooted in the rights to justice, truth, reparations and guarantees of non-recurrence, transitional justice mechanisms constitute a comprehensive approach to combating impunity, ensuring accountability for past human rights violations, redress for victims of violations of human rights and advancing broader institutional reform necessary to address the root causes of strife and conflict.



A South Sudanese woman casting her ballot in South Sudan's referendum on independence.

OHCHR's role

OHCHR engages in dialogue with States on ways to achieve legal protection of human rights and accountability for violations. At the country level, OHCHR's efforts focus on dialogue with Governments, institutions concerned with the administration of justice, law enforcement agencies, NHRIs and CSOs to promote principles of accountability and the rule of law, share examples of good practice and provide technical advice.

At the global level, OHCHR supports the development of relevant international norms and standards, collects good practices, elaborates guidance tools and carries out capacity-building activities. It also supports human rights mechanisms in their efforts to enhance the legal protection of human rights and accountability. The Office has assumed a lead role within the UN system on transitional justice and chairs the Working Group on protecting human rights while countering terrorism of the Counter-Terrorism Implementation Task Force established by the Secretary-General.

At the national level, OHCHR is involved in policy development, normative guidance and capacity-building activities which contribute to the development of robust, rule of law-based justice systems by providing ongoing assistance to Member States in these human rights capacity-building activities for judges, prosecutors, defence lawyers and law enforcement agencies. Such assistance includes support and needs assessment in the field of human rights, implementation of specific activities, review of relevant legislation and procedures to ensure compliance with international human rights standards and the delivery of practical human rights training programmes.

The following are results the Office helped bring about in this area in 2011.

National laws, policies and institutions

EA 1 - Increased number of democratic institutions engaged in issues related to combating impunity

Constitution-making and Constitutional Courts

OHCHR advocates for the inclusion of strengthened provisions with regard to human rights in constitutions and encourages constitutional courts to apply international human rights standards in their decisions.

In Mauritania, the criminalization of torture, slavery practices and *coup d'états* and the establishment of the National Human Rights Commission (NHRC) were incorporated in the Constitution. OHCHR helped to identify relevant human rights issues and ensure compliance of the constitutional amendments with the country's international human rights obligations.

In Somalia, the Human Rights Unit of the United Nations Political Office for Somalia (UNPOS) contributed to the constitution-making process by promoting two dialogues that provided an opportunity for human rights defenders, civil society groups and Government officials to review the draft constitution from a human rights perspective. Through a training-of-trainers exercise in Nairobi, OHCHR, in cooperation with UNDP, built the capacity of members of the Independent Federal Constitutional Commission of Somalia and civil society representatives so they could conduct a human rights audit of the draft constitution.

In Mexico, an important constitutional reform allows for better integration and protection of human rights, giving constitutional status to all human rights provisions enshrined in international treaties to which Mexico is Party. OHCHR-Mexico's contribution to this included facilitating broad dialogue among academics, human rights experts and NGOs which resulted in the publication of a "Comprehensive Proposal for Constitutional Human Rights Reform." This document included progressive proposals on the integration of the body of international human rights law into Mexico's Constitution.

In Guatemala, the Constitutional Court incorporated international human rights standards in some of its policies and decisions, including in cases of torture and violence against women and cases related to indigenous peoples, such as the right to consultation. OHCHR contributed to this result by disseminating material on international standards in relation to key human rights cases, capacity-building activities and sustained advocacy.

Compliance of national legislation and policies with human rights

OHCHR plays an important role in providing advice on draft laws to ensure that human rights concerns are fully taken into account, including in legislation such as criminal codes and codes of criminal procedure. For instance, as a member of the Criminal Justice Working Group in Afghanistan, OHCHR-United Nations Assistance Mission in

Afghanistan (UNAMA) contributed to compliance of national legislation with international human rights standards through the provision of comments on the draft Criminal Procedure Code and by participating in task force meetings for the drafting of the National Priority Programme on Law and Justice.

Enforced disappearances continue to be a major concern in many parts of the world. In Nepal, although the draft Criminal Code introduced in Parliament includes a provision to criminalize enforced disappearances, the draft Penal Code and the draft bill for the Commission of Inquiries of Disappearances continue to have shortcomings. OHCHR-Nepal contributed to improved compliance of these bills with international standards by providing analysis and assistance to legal professional groups, CSOs and victims' groups in their advocacy work. In Colombia, OHCHR facilitated the creation of a participatory mechanism to regulate a law that pays homage to victims of enforced disappearances and provided support to discussions in Congress on a draft law related to enforced disappearances and on the draft law, passed by Congress in June, on land restitution and victims' rights. Following the adoption of the Law, OHCHR-Colombia contributed with an analysis on its benefits and gaps. This analysis fed into the UN's position on the matter (included in the 2011 Human Development Report) and contributed to a better understanding of this landmark piece of legislation among the international community, civil society and the public-at-large.

OHCHR provided advice in several countries on new legislation on the rights of prisoners and detainees and the prohibition of torture. In Uganda, OHCHR provided a legal analysis of the Prohibition and Prevention of Torture Bill which underwent its first reading and complies with international standards. In Cambodia, the Law on Prisons was passed in December 2011. While it did not include all comments made by OHCHR on compliance with international human rights law, it improves the previous legal framework. In particular, the Law emphasizes: rehabilitation; the requirement of separation of different categories of prisoners; greater attention to the needs of women and children; the inclusion of minimum design standards for prison construction to ensure basic conditions; an absolute prohibition against torture and other cruel, inhuman and degrading treatment or punishment; strengthened safeguards against arbitrary detention; and clear reference to the broader Cambodian legal framework. As the Law could have provided stronger guarantees of the rights of persons in detention, OHCHR continues to raise these concerns as



A police officer in Nepal.

secondary legislation and administrative procedures are developed to implement the Law.

Several OHCHR field presences devoted special attention to assisting national legislative processes regarding various aspects of the administration of justice. In Guatemala, OHCHR provided technical assistance to the General Attorney's Office, which made significant progress in 2011, including with the adoption of internal regulations on strategic investigation and prosecution, particularly in cases related to the internal armed conflict. The General Attorney also promoted the reform of the Statutory Law that would ensure greater compliance with international standards in Congress.

The National Congress of Honduras approved new legislation on judicial governance and careers. Through the organization of a seminar with international experts, its participation at a plenary Congress session and a publication, OHCHR contributed to ensuring that the Law complies with international principles on the independence and impartiality of the judiciary.

In Colombia, a law on intelligence was adopted by Congress in June which included suggestions on compliance with international standards made by OHCHR. Through this Law, and in accordance with OHCHR's advice, a new intelligence institution was created, with new democratic control mechanisms.

In Kenya, the National Council on the Administration of Justice was established as a mechanism to ensure a coordinated approach to the administration of justice and secure the independence and accountability of the judiciary. OHCHR's comments and suggestions were reflected in the draft bill which was adopted by Parliament.

In Liberia, the Human Rights and Protection System (HRPS), national and UN partners collaborated on the development of the Children's Act, a children's justice curriculum and ethical guidelines for professionals working with children in conflict or in contact with the law. HRPS' input included suggestions to mainstream human rights in legislation and policies. The comprehensive and human rights-compliant Children's Bill was signed by the President in February 2012. In Lebanon, OHCHR's Regional Office for the Middle East contributed to the elaboration of the Code of Conduct for the security forces, adopted by the Directorate of the Internal Security Forces, by providing technical advice to the drafting committee and advocating with members of the Internal Security Forces.

Legislation focused on the protection of the rights of victims and witnesses is fundamental. In Kenya, OHCHR provided advice to national authorities on the legal and institutional framework for the newly created Witness Protection Agency and its Advisory Board which will contribute to ending impunity by aiding investigations and prosecutions and protecting evidence and witnesses of alleged crimes. At the European Union level, the adoption of a draft directive would constitute an important development in harmonizing legislation and ensuring the protection of all victims of crimes, regardless of their nationality or where the crime is committed. Nevertheless, the directive requires some adjustments to ensure that the human rights of victims are fully respected. The OHCHR Regional Office for Europe, in cooperation with UNICEF, UNODC, UN Women and UNHCR, prepared joint comments addressed to the European Commission to ensure that the draft directive is fully compliant with international human rights standards.

Legislation on freedoms of expression and assembly was the focus of attention for OHCHR in several countries. In Iraq, the United Nations Assistance Mission for Iraq's (UNAMI) Human Rights Office continued its advocacy with the Government and State authorities through amendments so as to improve the Journalist Protection Law and ensure it is amended to comply with international standards. It contributed to

raising awareness of these standards by national stakeholders through several meetings, including a national conference on freedom of expression for national authorities and members of the Council of Representatives. In Mexico, OHCHR provided technical input and guidance to the drafting of a bill which abolished libel and slander as crimes. In Togo, a new law was adopted by Parliament which guarantees the right to public gatherings by means of providing prior information to authorities. OHCHR supported consultations on the draft, including through the organization of a workshop with broad participation from CSOs and political parties and advocating for its compliance with the International Covenant on Civil and Political Rights (ICCPR) and recommendations issued by the Human Rights Committee after its consideration of Togo's fourth periodic report under the Covenant.

In new countries, such as South Sudan, and countries recently in transition, such as Tunisia, OHCHR contributed to the initiation of legislative reform. In Tunisia, reforms related to legislation on political parties, the release of political prisoners, the dissolution of the political police and security apparatus and freedom of the press were initiated. OHCHR-Tunisia assisted national counterparts, including through the dissemination of guidance provided by treaty bodies and special procedures, to ensure that new laws comply with international human rights standards. In South Sudan, the United Nations Mission in the Republic of South Sudan's (UNMISS) Human Rights Division offered advisory services to support the formulation of the Transitional Constitution of South Sudan (TCSS) and provided advice on national legislation and the ratification of international human rights instruments. Most comments provided on the South Sudan Nationality Act of 2011 were incorporated into the Act.

In addition to supporting legislative reform, OHCHR also provided support to States regarding policy reform, in particular related to the administration of the justice sector. For instance, the 2011-2015 Strategic Plan of the Burundi Ministry of Justice was developed in 2011 and includes reforms pertaining to judicial independence and accountability. Following advocacy work of the United Nations Office in Burundi (BNUB), two key activities were undertaken: the organization of a national conference on justice which will serve as a platform for recommendations on different issues related to judicial independence and a study on the capacity-building plan for the Supreme Council of Magistrates which will serve as a preliminary step for wider reforms.

In Afghanistan, a Human Rights Support Unit was established within the Ministry of Justice to strengthen the Government's capacity to fulfill its international human rights obligations under the human rights treaties it has ratified, which have also been incorporated into its Constitution. OHCHR/UNAMA, in collaboration with UNDP, supported the establishment of the Unit. The Office also conducted training on the human rights-based approach for newly recruited staff and provided policy advice and technical advice to the Unit for the development of an action plan to implement recommendations of the UPR.

In Guinea-Bissau, the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) facilitated the creation of an interdisciplinary committee to ensure the compliance of prisons and detention centres with international standards for detention. As a result of monitoring findings related to the administration of justice, the Government agreed to the creation of an integrated structure for the administration of the correctional system. OHCHR provided technical support to the drafting of the terms of reference for the structure which is expected to be created in 2012.

Strengthening human rights compliance by judicial and law enforcement institutions

The joint OHCHR-DPKO Rule of Law Indicators Project (ROLIP) was launched in 2011 receiving the endorsement of the UN Rule of Law and Coordination Resources Group as a system-wide guidance tool. The project was being implemented in Haiti and Liberia and the indicators were launched in South Sudan in late 2011. Through ROLIP, national authorities are provided with the necessary information and guidance to assess and identify areas in need of reform, such as performance, integrity, transparency and accountability of national criminal justice institutions and ensure compliance with international standards regarding fair trials and the treatment of members of vulnerable groups.

In 2011, OHCHR organized and facilitated human rights training sessions in field presences around the world for the judiciary, police and other security forces, including military forces in order to contribute to improving their compliance with international human rights standards.

With the ILO, the OHCHR Regional Office for South America organized and conducted a two-month course in Peru focused on the direct applicability or the interpretative value of international human rights treaties in domestic



OHCHR briefing on human rights for police officers at the Abidjan Police Training School.

courts. The course was broadcast live on the judiciary's television channel for public prosecutors and judges in several judicial regions throughout the country, including the primary indigenous regions. Through these activities, 50 public prosecutors and judges have been able to increase their awareness, knowledge and skills of the application of human rights treaties and standards relating to indigenous peoples.

In Haiti, over the past two years, there has been an improvement in the police's respect of the 48-hour maximum period before detainees are brought before a judicial authority, as provided by law. The Human Rights Section (HRS) of MINUSTAH contributed to this result by training national police officers. The training also resulted in a significant decrease in the ill-treatment of detainees in police stations.

In Kiribati, Papua New Guinea and Solomon Islands, the police and representatives of a number of ministries attended workshops on monitoring and documenting human rights violations which focused on their duties ensuring that violators are prosecuted. In Papua New Guinea, this resulted in police working with human rights defenders to pursue accountability through the formal justice system in cases of sexual and gender-based violence (SGBV), including gang rape.

OHCHR trained 250 police, gendarmes, customs officers and soldiers in the security forces in five regions of Guinea on human rights and law enforcement. These forces have shown improvement in crowd control techniques which has led to fewer confrontations with the population and a reduction in casualties caused by law enforcement agents.



OHCHR similarly helped strengthen the capacity of law enforcement officials in Guinea-Bissau, including those in the penitentiary system, through training, monitoring, reporting and advising authorities on necessary measures. This contributed to a significant reduction of arbitrary detentions and ill-treatment in prisons and detention centres and prompted the creation of an interdisciplinary committee to provide support to the authorities in adequately managing the penitentiary system.

In Sri Lanka, the Inspector General of Police approved the comprehensive training curriculum and lessons plan for the core human rights training programme of the Sri Lankan police which was translated and printed in Sinhala, Tamil and English. The training-of-trainers workshop on human rights and policing that was held by OHCHR in 2009 formed the basis of these materials.

In Togo, the Justice and Security Ministries and OHCHR carried out a training programme on human rights norms in the administration of justice for magistrates and criminal investigative police officers. The programme was the first to bring together these entities and contributed to enhancing their understanding of and ability to apply human rights norms in their work.

The human rights training of members of armed forces is crucial. In Burundi, on BNUB's recommendation, the Minister of Defence re-launched a capacity-building programme for members of the armed forces elaborated by BNUB. Training of military focal points in human rights was conducted after informal consultations with the Ministry and a retreat was organized in collaboration with high-ranking military officers on the application of international human rights standards and humanitarian law and their role as supervisors. It was decided that the programme

would be integrated into the overall development of the security sector to further strengthen the capacity of the armed forces leadership to protect human rights.

In South Sudan, the Sudan People's Liberation Army is being converted from a guerrilla force into a professional and disciplined armed force that will operate under democratic civilian control. Compliance with human rights standards improved, partly as a result of human rights trainings conducted by the Human Rights Component of UNMISS for division commanders and military personnel.

As a result of various trainings on human rights protection, law enforcement and elections monitoring, the Ugandan People's Defence Force (UPDF) has begun to comply with international human rights standards in personal security, bodily integrity and public freedoms issues, including in relation to the Karamoja Disarmament process and the political context before, during and after elections. The UPDF in Karamoja is now rolling out its own training programme for Local Defence Units and UPDF command that is based on material provided by OHCHR and the Uganda Human Rights Commission.

Monitoring of detention facilities, advocacy efforts and public reporting contribute to improving the treatment of prisoners by law enforcement officials. In Afghanistan, for instance, OHCHR/UNAMA undertook systematic monitoring of its advocacy with the Government in relation to recommendations made in the Arbitrary Detention Verification Campaign report and released a report on the treatment of conflict-related detainees held by the National Directorate of Security (NDS) and Afghan National Police (ANP). Following OHCHR/UNAMA's activities, Government and international security forces (ISAF) made immediate changes to their policies on the

treatment of detainees and the prevention of torture in Afghanistan. Thus, a system for tracking detainees and information on their treatment was introduced by ISAF to ensure appropriate treatment of detainees handed over to national authorities. The Afghan Government implemented some recommendations regarding detention and fair trial guarantees, including: the establishment of an internal oversight commission by the NDS while the external oversight of the ANP is being developed by the Afghanistan Independent Human Rights Commission; and initiation of reform of the Criminal Procedure Code and the Penal Code.

Democracy and elections

Respect for and protection of human rights is essential to democracy and free and fair elections. Free and fair elections were held in Côte d'Ivoire in December 2011. Through training and support material provided by the Human Rights Division of UNOCI, law enforcement officials were equipped with techniques and tools to ensure that human rights were upheld during the elections. Civil society groups, media practitioners, members of political parties, as well as the general electorate were sensitized to critical human rights norms related to elections, their importance and how to advocate for their respect. In Cameroon, human rights civil society organizations produced reports from a human rights perspective on elections, following training and documentation received from OHCHR's Regional Office for Central Africa.

National human rights institutions

NHRIs and Ombudsmen's Offices are among mechanisms to ensure the compliance of States with their human rights obligations. Their work can have a direct role in combating impunity and promoting the rule of law.

OHCHR advocates for and supports the establishment of new NHRIs compliant with the Paris Principles in all regions. In 2011, the Regional Office for South America supported efforts to establish a NHRI in Uruguay by raising awareness among parliamentarians and the Governments about the importance of taking steps to establish the institution and participating in the development of a strategy for the institution, taking into account best practices from around the region. The Uruguayan Congress created a joint commission (Senate and Representatives Chambers) to select the five Commissioners of the national human rights institution. It is anticipated that the first Commissioners will be appointed in 2012, starting the process of the progressive establishment of the Uruguayan human rights institution, as included in the Uruguayan United Nations Development Assistance Framework (UNDAF) 2011-2015 signed by the Government. The Regional Office also collaborated closely with the newly created National Human Rights Institute in Chile and advocated for legislation that would make it compliant with the Paris Principles. In March 2011, the Chilean Senate adopted a

Juveniles held with adult prisoners are released as a result of human rights monitoring

Four juveniles who had been held in detention at the Sefadu prisons in Kono, eastern region, Sierra Leone, were released on 13 August 2011 by the resident magistrate of Koidu. They were initially charged as adults by the Sierra Leone police and were only identified as juveniles during a visit by the magistrate that followed a justice sector coordination forum promoted by the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL). The forum took place in the wake of other similar initiatives conducted throughout the country. In 2011, justice sector fora were held in eight different districts in response to the recurrent monitoring findings and

challenges of the justice sector institutions. The findings indicated lapses and coordination flaws that negatively impacted on human rights, including the right to due process, among the various actors within the administration of justice chain. The fora aimed at creating a platform for justice sector stakeholders to discuss human rights flaws, share information and devise practical strategies, including advocacy measures to improve justice delivery. In the case noted above, the boys were released after engagements between HRS, the magistrate and prison authorities to ensure that their matter was brought before the court. This is, however,

not an isolated case. State authorities generally lack the knowledge and equipment for age assessment or deliberately inflate the age of child offenders to subject them to stringent sanctions. Some training has been provided, but this is affected by the frequent movement and postings of personnel from one duty station to another. In its regular monitoring of detention facilities, UNIPSIL often finds juveniles being detained in the same cells as adults. This issue continually forms a part of UNIPSIL's engagement with relevant authorities. The justice sector fora provide a new and effective way to tackle this problem.

resolution recommending that the Government prioritize the legal initiative aimed at the establishment of a NHRI that is compliant with the Paris Principles. The resolution reflected comments provided by OHCHR factsheets and letters to parliamentarians.

In November 2011, the Parliament of Comoros passed a law on the establishment of a National Commission for Human Rights and Liberties, drafted with the substantive input and support of OHCHR's Regional Office for Southern Africa, UNICEF and UNDP. Following technical advice provided by FOTCD in cooperation with BNUB and the Independent Expert on Burundi, Burundi established the National Independent Human Rights Commission in May 2011 compliant with the Paris Principles.

In Guinea, the *Conseil National de la Transition* reviewed draft legislation on the establishment of a NHRI with OHCHR providing technical assistance and comments on the draft law and organizing a workshop for stakeholders on the process of establishing a NHRI based on the Paris Principles. The draft legislation incorporated the recommendations of the workshop and was submitted to the President for promulgation into law. It is expected that the law will be passed in 2012.

A plan for the creation of an independent national human rights commission was developed and implemented following a participatory process involving the Government of Niger, civil society organizations, unions, the media, the National Observatory for Human Rights and Fundamental Freedoms and the UNCT. The support provided by the Human Rights Adviser was critical to the mobilization of resources, provision of advice on the Paris Principles and sharing of good practices. The process resulted in the drafting and validation of a draft law on the creation of a NHRI in conformity with the Paris Principles.

Vanuatu is taking steps towards the establishment of a NHRI in compliance with its commitment under the UPR. OHCHR's Regional Office for the Pacific organized a scoping mission in Vanuatu on the establishment of a NHRI. Together with the Pacific Islands Forum Secretariat (PIFS) and the Asia Pacific Forum (APF), OHCHR has been actively following up on the recommendations of the mission with the Government. A consultation on the establishment of a NHRI is due to be held in Vanuatu in 2012.

Following the OHCHR assessment mission deployed to Yemen, which recommended the establishment of a NHRI in line with the Paris Principles in its report

to the Human Rights Council, the Yemeni Government adopted a framework document for the implementation of OHCHR recommendations, including for the establishment of a national institution. Parliament is currently discussing the adoption of this document.

In many countries, once NHRIs are established, OHCHR continues to provide support. In some cases, such support consists of the training of commissioners and staff on international human rights law and ensuring that NHRIs function in full compliance with the Paris Principles. For instance, in Cameroon, OHCHR facilitated and funded technical advisory services and training for NHRI commissioners and staff to, inter alia, assist them to more effectively address individual cases alleging human rights violations. As a result, the commissioners and staff of the NHRI acquired skills in human rights monitoring and have improved knowledge on how to respond to individual complaints.

Following advocacy efforts by the OHCHR Regional Office for Central Africa, Gabon has undertaken steps to make its national human rights commission operational. The members of the Commission have been appointed and a review of the law establishing the Commission to ensure it is compliant with the Paris Principles is envisaged.

A regional meeting of English-speaking Caribbean NHRIs in Trinidad and Tobago resulted in the Port of Spain declaration through which national institutions of the region committed to becoming "A" status institutions in compliance with the Paris Principles. The seminar was organized by OHCHR and the Commonwealth Secretariat, with administrative support from the UNCT in Trinidad and Tobago.

The International Coordinating Committee of National Human Rights Institutions upgraded the Mauritanian Human Rights Commission from "B" to "A" status. OHCHR provided technical advice and support to reinforce the capacities of the Commission and ensure its compliance with the Paris Principles. Following the Office's advocacy efforts, the Mauritanian Constitution was amended to affirm the role of the National Human Rights Commission. Similarly, in Congo, the Regional Office for Central Africa organized a seminar for the NHRI to sensitize stakeholders on the steps needed to ensure their compliance with the Paris Principles (currently accredited with "B" status). As a result, the Government took steps to review the current Law establishing the Commission to make it fully compliant with the Paris Principles.

In Haiti, the Ombudsman's Office (OPC) is implementing a decentralization plan and maintains regional offices in nine jurisdictions outside of Port-au-Prince. The OPC is supported by the HRS of MINUSTAH. In particular, the HRS worked with OPC personnel in the interior to address human rights violations in the context of detention and 735 cases of illegal detention were addressed.

OHCHR-Nepal contributed to the capacity-building of the National Human Rights Commission through a joint project with UNDP. The project allowed for the training of the NHRC's staff; the production of publications for human rights defenders, security forces and Government officials; and the undertaking of advocacy and consultations with stakeholders on thematic human rights issues. The project also supported a high-level panel discussion on withdrawals of cases of serious crimes and activities to mark important days such as the International Day in Support of Victims of Torture. Through the same project, the NHRC successfully coordinated the exhumation, by relevant State actors, of the remains of five people who were allegedly victims of disappearance during the conflict. The first four victims were exhumed in 2010 and 2011.

In Myanmar, OHCHR's Regional Office for South-East Asia engaged with the newly established Human Rights Commission through a workshop which provided an opportunity for members of the Commission and mid-level Government officials to familiarize themselves with international human rights law.

In South Sudan, significant progress was made in strengthening the capacity of the NHRI. As the major partner for the implementation of national-level programming, UNMISS's Human Rights Division forged a strong relationship with the Commission through training, technical and advisory services and joint programmes. With the assistance of a consultant recruited by the Office, the Commission has developed a complaints and investigation mechanism that has strengthened its monitoring mandate. The Commission also successfully launched the South Sudan Human Rights Forum which serves as a mechanism for the exchange of information and dialogue on human rights concerns among the Government, the UN and international partners.

In October, the Kosovo Assembly appointed five deputy Ombudspersons following a transparent process compliant with statutory requirements related to minority and gender representation. OHCHR has contributed to this result and provided comments on the rules of procedure for the selection process and the Paris Principles. The entire

selection process was monitored by civil society organizations and international agencies present in Kosovo. For the first time since its establishment and the transfer of authority to Kosovo institutions, the Ombudsperson Institution is fully staffed. After the selection of the deputy Ombudspersons, OHCHR closely cooperated with the institution and provided guidance and support in addressing discriminatory provisions in legislation. By the end of 2011, the Ombudsperson Institution processed the first case to the Constitutional Court which had positive outcomes.

The UN Joint Programme to strengthen the capacity of the Ombudsman Institution in Tajikistan was launched by the UN Resident Coordinator. OHCHR cooperated with the Ombudsman Institution to strengthen its capacities through a number of activities, including by organizing a seminar on methodologies of interviewing victims of torture and other serious human rights violations and providing assistance in preparing the Institution's application for accreditation. Extensive joint work was undertaken on the promotion of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and international standards related to the elimination of torture. This resulted in a public statement issued by the Ombudsman on a recent case of torture which appealed to authorities to initiate an immediate investigation. The Ombudsman's Office has undertaken steps to strengthen its position by introducing legislative changes related to the implementation of its mandate. As an example, a law was adopted obliging all State bodies to provide feedback on its inquiries. Changes to the Criminal Procedure Code were also introduced on the competence of the Ombudsman to visit closed institutions; the first of which were carried out in the last quarter of 2011.

National preventive mechanisms

Supported by technical assistance provided by OHCHR, the National Preventive Mechanism (NPM) in Honduras approved a strategic plan which significantly improves its compliance with international human rights standards. Implementation of this plan is ongoing and some key goals have already been achieved, such as the publication of a report on the state of the penitentiary system in Honduras. OHCHR advocated with the Government, in coordination with the Subcommittee on Prevention of Torture (SPT), on the importance of ensuring that the NPM was equipped with appropriate resources to fulfil its mandate.



A police officer in Cambodia participating in a seminar on national preventive mechanisms.

A draft law on the NPM, compliant with OP-CAT requirements, was submitted to the Kyrgyz Parliament by a group of parliamentarians. OHCHR's Regional Office for Central Asia contributed to the elaboration of this draft by the provision of technical advice and expertise through, inter alia, the hiring of a national expert to advise on and promote OP-CAT standards. The Office also conducted advocacy during high-level meetings with relevant Government officials and Members of Parliament. The draft law is expected to be considered in 2012.

In Paraguay, Congress passed a law approving the establishment of an NPM in compliance with the OP-CAT. Congress is considering the harmonization of the definition of torture with international standards. OHCHR disseminated the recommendations addressed to Paraguay by the SPT and international standards on torture through publications issued by the Committee against Torture and the OP-CAT. OHCHR also organized a seminar with the Human Rights Network of the Executive Branch, institutions involved in the implementation of the SPT recommendations and CODEHUPY (a national NGO network) in Congress. The Vice-President of the SPT also provided support to this seminar by presenting best practices in the region.

In Serbia, Parliament adopted relevant legislative changes and appointed the Ombudsman as the NPM, in line with the OP-CAT. OHCHR intensively advocated for the appointment of the NPM in Serbia and worked with the Ombudsman to ensure the

developed model fully complies with international law requirements. OHCHR worked closely with the Ombudsman's Office to strengthen the institution and its ability to provide effective human rights protection. With OHCHR support, the Ombudsman established a system for the effective monitoring of and reporting on Roma rights.

Human rights action plans

Human rights action plans can serve as important tools for developing a comprehensive and inclusive strategy for combating impunity. In the Republic of Moldova and Sri Lanka, for example, the HRA provided technical support to the elaboration of the National Human Rights Action Plan adopted in June and September 2011, respectively. In Paraguay, the National Human Rights Action Plan, presented in December 2011, was prepared following a participatory process with the active involvement of State institutions, universities and civil society organizations. The Plan incorporates recommendations from UN human rights mechanisms. Its overall goal is to enhance harmonization among State institutions working on human rights issues and ensure the compliance of public policies with human rights standards.

National accountability mechanisms

EA3 - National accountability mechanisms established and functioning for combating impunity in accordance with international human rights standards and best practices

OHCHR supports the establishment and effective functioning of national accountability mechanisms in a variety of ways, including through: advocacy; the provision of technical assistance and advice on the development and reform of normative frameworks; providing training to accountability actors; developing guidance materials; and undertaking and supporting human rights monitoring.

In Colombia, as a result of monitoring activities undertaken by the Medellin field office, OHCHR was able to document and thus make visible cases of ill-treatment and torture committed by the police. OHCHR's monitoring and recommendations resulted in the establishment of an accountability and sanction mechanism for police station commanders to prevent ill-treatment and torture committed by their subordinates or related to omissions in the exercise of their duties.

In Haiti, the HRS investigated 52 cases of human rights violations and advocated for and supported

action by national justice and accountability mechanisms. The investigations, involving more than 100 police officers across the country, related to more than 25 civilian deaths, alleged summary executions and torture. Information collected by the HRS during its investigations was regularly shared with the police and the judiciary. Prosecutors across the country opened investigations into at least 22 cases and the HRS supported several *juges d'instruction* to carry out their investigations, leading to the arrest and detention of about 10 police officers.

In the Democratic Republic of the Congo (DRC), the Joint Human Rights Office (JHRO) deployed seven Joint Investigation Teams, including JHRO Human Rights Officers, to gather information on incidents to enable the opening of criminal investigations and prosecutions. JHRO also supported the holding and observed the proceedings of 30 court hearings (including mobile court hearings) across the DRC. As a result of these trials, 276 judgments were delivered by Congolese courts, leading to 22 convictions for serious crimes under international law, including war crimes and crimes against humanity.

In Bolivia, OHCHR observed more than 90 hearings in cases concerning human rights violations, including the trials related to violent racist incidents in Sucre in 2008 and the massacre of El Porvenir. It also met with judges, public prosecutors, defence lawyers, defendants and victims and prepared a number of legal opinions regarding these cases. In some instances, OHCHR's actions assisted in increasing the protection of people at risk (i.e., witnesses, victims or lawyers) and mitigated tensions during hearings.

A guardian system was established within the Office of the Prosecutor General of Guinea-Bissau to prevent child abuse, partly as a result of advocacy of the Human Rights Component of UNIOGBIS for funds and technical support. The Human Rights Component also strengthened the coordination and oversight role of the guardian *ad litem* system over the judiciary police with regard to child protection.

In Kyrgyzstan, OHCHR's advocacy work with central and local authorities in Osh contributed to the promulgation of three orders in 2011 by the General Prosecutor which outlined concrete steps to address impunity, torture and ill-treatment. OHCHR also hosted the General Prosecutor's first meeting with local human rights organizations in southern Kyrgyzstan and monitored the implementation of the orders of the General Prosecutor through regular meetings with local prosecutors. Furthermore, the

Regional Office for Central Asia's NGO partner, Civil Initiative on Internet Policy (CIIP), led to the development of a website dedicated to human rights in Kyrgyzstan containing human rights-related news, articles and reports. The website will include an interactive map of human rights violations and a human rights legislation database and will serve as a platform for human rights NGOs. CIIP monitored Kyrgyzstan's media and prepared reports on inter-ethnic relations and freedom of speech which present an overview on restrictions on freedom of speech, defamation, violence against journalists, ethnic slurs, regionalism and language concerns. The Office provided advice, guidance and technical assistance in this process.

In Nepal, accountability for human rights violations weakened in 2011, following a series of attempts by the Government to withdraw a large number of criminal cases and recommended pardons for, and the promotion of, several persons convicted, or facing credible allegations, of serious crimes. The Supreme Court played an increasingly important role in subjecting Government decisions to judicial review. OHCHR-Nepal contributed to this process, including by publishing a legal opinion stressing that regular criminal proceedings cannot be transferred to a transitional justice mechanism. The content of this opinion was reflected in a Supreme Court order requiring the continued investigation and prosecution of such cases under the regular criminal procedure, irrespective of the establishment of transitional justice mechanisms.

In South Sudan, as a result of a report issued by UNMISS's Human Rights Division, the President of the Republic ordered a high-level inquiry into allegations of human rights violations by the Southern Sudan Police Service (SSPS) at the Rajaf Police Training Centre. The report documented a pattern of serious human rights violations by senior police officers, including arbitrary detention, torture and rape of police recruits at the Centre. The Minister of the Interior took steps to address some of the human rights concerns raised in the report, but the SSPS continues to face significant challenges in becoming an effective, accountable and professional law enforcement authority that operates in compliance with human rights standards. The Division provided trainings and prepared trainers' manuals to equip police educators with capacity-building tools.

OHCHR continued its work on the protection of victims and witnesses involved in judicial, quasi- and non-judicial proceedings to strengthen accountability for human rights violations. At the national level,

OHCHR deployed senior international experts to Kosovo, Nepal and Uganda to support efforts of national authorities to develop legal frameworks and programmes aimed at more effective protection for victims and witnesses and compliance with international human rights standards. Expert reports on needs in Kosovo, Nepal and Uganda, including recommendations for the development of effective programmes, were shared with national authorities. The Kosovo Assembly adopted a law on witness protection which establishes a witness protection programme. In 2011, OHCHR commissioned research which resulted in an internal report that outlined recommendations to enhance the Law's compliance with human rights standards. In Uganda, OHCHR supported the organization of a judicial colloquium on victims' and witness' protection and the administration of justice and provided technical assistance for the elaboration of draft Witness Protection Guidelines, which are currently under final revision. A seminar on national legislation related to witness protection was organized in Argentina. The seminar fostered national dialogue on the need to review and improve aspects of the witness and victim protection programmes.

Transitional justice mechanisms

EA3 - Transitional justice mechanisms progressively established and functioning in accordance with international human rights standards and best practices

Over the past year, OHCHR supported transitional justice processes in more than 20 countries which included assistance in carrying out national consultations, the design and implementation of judicial accountability mechanisms, truth-seeking processes, reparations programmes and institutional reform.

For example, OHCHR supported the steps taken towards the enhanced functioning of the Truth, Justice and Reconciliation Commission of Togo through the provision of logistical, strategic, technical and administrative support and training. In 2011, the Commission held a total of over 400 hearings. OHCHR also organized an induction workshop on transitional justice for the Dialogue, Truth and Reconciliation Commission of Côte d'Ivoire, which increased awareness among commissioners of international standards and good practices.

The Government of Burundi took steps towards the establishment of a Truth and Reconciliation Commission. In October 2011, a Technical

Committee appointed by Presidential Decree submitted its report to the President and BNUB. The report includes a draft law on the establishment of transitional justice mechanisms, particularly the Truth and Reconciliation Commission. BNUB and OHCHR provided substantive technical and logistical support to the Committee. Following an analysis of the report, the UN recommended that the Government take into account the conclusions of the national consultations, views of civil society and relevant international standards with regards to the Commission's establishment.

In Guinea, the National Reconciliation Commission has initiated transitional justice processes with consultations. OHCHR-Guinea provided technical advice to the Commission and organized capacity-building workshops for civil society in Labe, Nzerekore and Mamou on international human rights standards and methods of monitoring and reporting human rights violations. Closer partnership with civil society has ensured a continuous flow of accurate information and reports, especially from the interior of the country where OHCHR does not have a presence.

In Timor-Leste, the draft laws on the follow-up institution to the Commission for Reception, Truth and Reconciliation (CAVR - *Comissão de Acolhimento, Verdade e Reconciliação*) (named Public Memory Institute in the current draft) and the reparations scheme were passed in the first and second readings in 2010. Although the third reading has not yet taken place, it was announced in December 2011 that it would be undertaken in February 2012. The Human Rights and Transitional Justice Section of UNMIT provided technical and financial assistance for the drafting of both laws, advocated for their approval and supported the creation of a national victims' association.

During 2011, some progress was made with regard to legislation to establish two transitional justice mechanisms in Nepal, albeit more than six years after they were originally proposed. A legislative subcommittee was appointed to finalize the relevant bills in May 2011 and OHCHR worked with committee members on substantive issues related to international law, standards and best practices. Progress was achieved in reaching consensus on a number of contentious issues. In November, following the conclusion of a seven-point agreement between parties regarding commitments to the adoption of transitional justice bills, an informal task force was appointed to finalize the bills at the political level. Subsequently, it has become apparent that provisions to allow for a broad amnesty, including for serious violations of international



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Egyptians protest in Tahrir square.

human rights law, could be included and that important provisions empowering the mechanisms to recommend prosecutions could be removed. The Office continues to advocate against a broad amnesty, calling for the respect of the right of victims to an effective remedy.

OHCHR provided technical and logistical support to the DRC national authorities, which contributed to the holding of several trials that resulted in convictions of perpetrators of human rights violations, including sexual violence. A presentation of a report by the High-Level Panel appointed by the High Commissioner on reparations for victims of sexual violence in the country has been followed up by the formation of the joint OHCHR/UN Women project to strengthen reparations programmes for victims in the DRC.

In collaboration with OHCHR, the Uganda Human Rights Commission carried out field consultations on reparations and remedies for victims of the armed conflict, the results of which contributed to ongoing national discussions on transitional justice policy. The completion by OHCHR of specialized field research on gender and reparations in Uganda and the presentation of its findings to the Government, donors and civil society resulted in raised awareness of national stakeholders on international human rights obligations and the need to ensure reparations for victims of sexual violence.

The Human Rights Section of UNIPSIL supported, through the United Nations Peacebuilding Fund, the establishment of reparations programmes in

Sierra Leone. The programmes conducted a number of symbolic community reparations events and delivered partial benefits to 20,000 of the 32,000 registered victims. A National Trust Fund for Victims was established to facilitate the sustainability of the programme, although lack of funding presents a serious challenge.

OHCHR provided advice to the Libyan Interim Government on transitional justice processes with a view to improving their compliance with international human rights norms and standards. It also provided advice on, and facilitated coordination among, international actors which could assist the newly established National Commission for the Search and Identification of Missing Persons.

OHCHR supported the creation of a Regional Commission tasked with establishing facts about war crimes and other serious human rights violations committed on the territory of the former Yugoslavia from 1991-2001 (RECOM), including through participation in expert panels, information discussions and the dissemination of relevant materials, as well as sensitizing international partners about the importance of the initiative. RECOM's draft statute was adopted by a coalition of civil society organizations in March 2011.

In Cambodia, OHCHR engaged in activities aimed at capitalizing on the opportunity created by the Extraordinary Chambers in the Courts of Cambodia (ECCC) to promote human rights, including through a variety of trainings, public lectures and supporting



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Demonstration of "los indignados" (the indignant) to demand the protection of their rights.

efforts by civil society to ensure lessons learned from the ECCC inform domestic practices. Together with the East-West Management Institute and the British Embassy, OHCHR is also creating an Annotated Code of Criminal Procedure, drawing on the jurisprudence of the ECCC. OHCHR supported the Secretary-General's Panel of Experts on Sri Lanka and completion of the report by the Panel of Experts which advised on accountability measures to address the serious human rights violations that occurred during the war.

Access to justice and basic services

EA 4 - Increased access to justice for marginalized groups

Throughout the year, OHCHR continued efforts to ensure that individuals and groups facing discrimination, in particular women, minorities and indigenous peoples and people of African descent, have increased access to justice.

For instance, in Kyrgyzstan, five Kyrgyz human rights NGOs provided free legal aid for the population affected during, and in the aftermath of, the June 2010 violence in the southern part of the country in order to contribute to the restoration of justice and promotion and protection of human

rights. The five NGOs received technical and financial support from OHCHR's Regional Office for Central Asia and maintain a network of lawyers experienced in criminal law who are on-call seven days a week and provide immediate legal representation to arrested individuals. By the end of the year, more than 12 legal clinics were opened in several districts of Osh and Jalal-Abad regions, including in marginalized areas of the country.

Participation

EA 5 - Rights-holders, especially women and others who have suffered discrimination, increasingly use existing national protection systems and participate in decision-making processes and the development and monitoring of public policies

Since the establishment of the Truth, Justice and Reconciliation Commission (TJRC) in Kenya, victims of the human rights violations that occurred in 2008 have come forward to accuse the police and/or the judiciary of failing to prosecute their cases. In 2011, the HRA worked closely with the victims' assistance network, in particular the Civil Society Network (CSO-Network), based in Kisumu and the Independent Medical Legal Unit (IMLU), based in Nairobi. In particular, the HRA contributed to discussions on mechanisms of redress

and supported the participation of the CSO-Network in the victims' forums. As a result, the CSO-Network was able to bring in witnesses to testify during the TJRC hearings in Kisumu.

OHCHR-Guatemala provided technical assistance to women's organizations which incorporate international human rights standards in their legal claims, thus resulting in positive decisions, including that of the local tribunal in Salama which condemned the killing of two indigenous women because of their sex.

International and regional human rights law and institutions progressively strengthened and/or developed

EA 8 - Advances in the progressive development of international human rights law in selected areas of focus

In the Great Lakes Region, OHCHR assisted the International Conference on the Great Lakes Region's (ICGLR) Regional Committee on the Prevention of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination. The Office provided the Committee with technical and financial support for its annual meetings; mobilized additional partners, including the OIF and the Special Adviser on the Prevention of Genocide to attend and support these; and provided information on the human rights situation in the countries of the region. This information provided background for the Committee in its discussions of situations which needed attention and making relevant recommendations to Member States.

The Committee also adopted a workplan which includes policies and measures to guarantee the rights of victims of genocide, war crimes and crimes against humanity; and the rights to truth, justice and compensation, including gender-sensitive measures.

Responsiveness of the international community and the United Nations system

EA 10 - International entities, including the International Criminal Court (ICC), international tribunals and the Human Rights Council and other UN human rights mechanisms increasingly responsive to critical accountability situations

The High Commissioner continued to call for ratification of the Rome Statute by all States so that the ICC becomes a universal institution. In 2011, the number of States Parties to the Rome Statute rose to 120, following its ratification by Cape Verde, Grenada, Maldives, Tunisia and Vanuatu.

In 2011, the High Commissioner and the Assistant Secretary-General for human rights addressed the Security Council on a number of occasions on situations and violations of human rights and accountability in Côte d'Ivoire, Libya, Syrian Arab Republic and South Kordofan, thereby increasing the Security Council's understanding of critical human rights issues in order to facilitate effective action.

Through its contribution to the Secretary-General's report on the rule of law and transitional justice in conflict and post-conflict societies (S/2011/634), OHCHR drew the attention of the Security Council to the need to make explicit reference to accountability, combating impunity and the provision of remedies for victims. OHCHR emphasized the need to: foster accountability for gross violations of human rights and serious violations of international humanitarian law, including by supporting the implementation of recommendations of international commissions of inquiry; reject any endorsement of amnesties for genocide, war crimes, crimes against humanity or gross violations of human rights and support for the implementation of transitional justice and rule of law provisions in peace agreements; encourage further attention to the rights of victims to a remedy and reparations, in particular the victims of conflict-related sexual and gender-based violence; and to provide for transitional justice measures when establishing new mandates.

OHCHR, along with the Special Rapporteur on trafficking, co-organized an expert panel discussion on The Right to Remedies for Victims of Trafficking raising awareness on the rights of victims to an effective remedy and generated discussion about the need to strengthen coordination among UN and other partners in order to address the issue from a human rights perspective, rather than exclusively from a crime control perspective.

Human rights mainstreaming within the United Nations

EA 11 - Combating impunity and strengthening accountability, the rule of law and democratic societies

The outcome documents of the Inter-Agency Security Sector Reform Task Force reflect a human rights perspective. OHCHR contributed to these developments in the area of security sector reform (SSR) through guidance notes on peace processes and SSR, democratic governance of the security sector, national security policies and strategies and gender-sensitive SSR.

OHCHR proposed drafting suggestions reflecting international human rights standards in an UNODC project, mandated by ECOSOC, to develop principles and guidelines on access to legal aid. As a result, the Intergovernmental Working Group adopted draft principles and guidelines in conformity with international human rights law that will be considered by the United Nations Commission on Crime Prevention and Criminal Justice. The draft principles and guidelines provide extensive guidance to States on how to fulfil their obligations regarding legal aid in the criminal context.

In Madagascar, OHCHR and UNFPA were appointed as co-chairs of the Working Group on human rights and gender. OHCHR provided substantive support and input into a joint project with UNDP, UNFPA and UNICEF that analysed initiatives in access to justice in Madagascar and proposed measures for judicial reform, including transitional justice. The study informed the planning of UNCT activities following the signature by the Southern African Development Community-sponsored road map on 17 September 2011, ending three years of political crisis in the country.

OHCHR has worked to underline the close and interdependent relationship between human rights and democracy within the United Nations system. With DPA and International IDEA, OHCHR organized a round table on democracy and human rights in New York. The round table discussed democracy movements and their characteristics in a number of States, including those involved in the Arab Spring. It also underlined the importance of the UN working with regional and subregional organizations when reacting to unconstitutional changes of Government and in the promotion of democratic movements and democracies.

OHCHR and UN Women commissioned a study on reparations for victims of conflict-related sexual violence which will inform the 2012 development of a guidance note on this issue for the UN system. In addition, OHCHR co-chaired a joint OHCHR/UN Women international expert panel on Securing Justice for Women in Post Conflict States. Information from this panel fed into the establishment of a Task Force on Women's Access to Justice during the 10th Annual Session of the Inter-Agency Network on Women and Gender Equality in February 2011. The Task Force, which is

Inter-agency collaboration to promote universal birth registration

Birth registration establishes proof of a child's identity and nationality. This improves their access to education and healthcare. It also increases their protection from crimes and human rights abuses, such as illegal adoptions, child labour and trafficking. A child's right to a nationality is guaranteed in the Convention on the Rights of the Child of the Timor-Leste Constitution.

During 2011, the Ministries of Justice, State Administration, Health, and Education, as well as a number of religious institutions, signed a Memorandum of Understanding (MOU) to boost birth registration in Timor-Leste. The MOU was implemented through a campaign that registered 63,300 children (49 per cent females) below the age of five years at the local level. Village chiefs were instrumental in carrying out this

campaign and were supported by UNICEF and the United Nations Police (UNPOL). Following this campaign, UNICEF estimated that 86 per cent of all children under the age of five were registered. It was widely recognized that more work was required to complete birth registration for all children under the age of five. The Human Rights and Transitional Justice Section (HRTJS) of the United Nations Integrated Mission in Timor-Leste (UNMIT) identified the need to expand the campaign to include older children and the general population. HRTJS addressed this gap by meeting with UNICEF and national partners to create collaborative opportunities for an expanded advocacy campaign.

As a result, in November 2011, three events took place to celebrate the International Day for Children with the theme "Children's rights are not options! We have an

obligation to assure their rights." The events were organized by the National Commission for the Rights of the Child with support from the HRTJS, UNICEF and national and international NGOs. In the same month, HRTJS, in cooperation with the Commission, started a media campaign on birth registration for children between 0 and 18 years of age through a radio programme and pamphlet dissemination. The aim of the campaign was to highlight the importance of birth registration as a first step in ensuring legal recognition of children of all ages by the State. During December 2011, HRTJS continued the campaign by organizing and participating in a radio interview on birth registration in Tetum with UNMIT's Public Information Office, highlighting the human rights and derived benefits that every citizen may obtain from being registered at any age.

co-led by OHCHR, was established in response to the perceived need to enhance coordination among UN entities and strengthen coherence on the rule of law and women's access to justice.

Challenges and lessons learned

OHCHR contributed to ongoing efforts of the UN system to enhance the rule of law and combat impunity during 2011. Bearing in mind the growing demands arising from recent developments taking place, in particular in North Africa and the Middle East, more efforts and resources are needed to ensure that OHCHR can meet the many challenges of this critical time for human rights. While the international community has made progress in addressing heinous crimes through the development of new standards and international criminal procedures, recent intergovernmental debates have demonstrated the need for sustained efforts to ensure that the UN system appropriately responds to serious human rights situations and impunity-related issues. Strategic efforts must be made to address these challenges and 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.

Much more remains to be done at the national level, including securing clear political commitments from States to counter impunity. OHCHR's advocacy work need to continue and OHCHR will need to respond to calls for technical assistance and the provision of expert legal advice, including for the drafting and amendment of relevant legislation.

Sustained efforts are also required to create the conditions for the establishment and protection of independent national judiciaries, support their training in relation to the national-level implementation of international human rights standards and ensure access to justice for all, including members of the most vulnerable groups and those most subject to discrimination.

OHCHR has developed expertise in transitional justice and provides conceptual and analytical

support, advice and assistance in the design and implementation of transitional justice processes from a human rights perspective, as well as capacity-building and partnership with national and international actors. This has resulted in increased requests for assistance from national authorities, intergovernmental bodies and other UN agencies; demonstrating the importance being placed on addressing transitional justice from a human rights perspective. Requests received in the context of ongoing transitions in North Africa and the Middle East have been significant.

OHCHR has developed methodologies to monitor, initiate and investigate inquiries into gross violations of human rights. Experience has shown the continued need to stress the indivisibility, interdependence and interrelatedness of all human rights when conducting monitoring and investigation activities. To this end, OHCHR should enhance its focus on assisting national partners to strengthen their capacity and providing support for the establishment and effective functioning of NHRIs which can play an important role in ending impunity and ensuring accountability.

OHCHR has a field presence in nearly every country in which the ICC and other international justice mechanisms are engaged and has actively fostered partnerships with these mechanisms. More substantive guidance will be needed, however, to strengthen these relationships and capitalize on the potential for cooperative activities. In addition, OHCHR should increase its contribution to enhancing the investigative and prosecutorial capacity of national jurisdictions. The recommendations of human rights treaty bodies and special procedures which address issues of impunity provide guidance for action to all national-level stakeholders. Further efforts are needed with regard to their implementation and follow-up.

OHCHR's leadership in enhancing accountability for violations, fostering transitional justice measures and supporting institution-building has 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 emphasize the broader human rights message.