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**The rule of law at the national and international levels**

## **Strengthening and coordinating United Nations rule of law activities**

### **Report of the Secretary-General**

#### *Summary*

In the present report, submitted pursuant to General Assembly resolution [73/207](#) and in accordance with resolution [63/128](#), updates and analysis are presented on the assistance by the United Nations in relation to the rule of law at the national and international levels during the past 12 months.

Insights are provided into mechanisms and practices that promote the effective implementation of international law by Member States, as well as the judicial and non-judicial mechanisms supported by the United Nations at the national level to address impunity for serious crimes under international law.

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\* [A/74/50](#).



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 73/207, in which the Assembly requested the Secretary-General to submit his annual report on the United Nations rule of law activities, addressing, in a balanced manner, the national and international dimensions of the rule of law. The report contains brief descriptions of some of the most important current trends relating to the rule of law and addresses the main areas of United Nations activities in that area.

2. The support provided by the United Nations is underpinned by the ability of the international community to work in a coordinated and concerted manner. Stronger commitment for a world order that operates in accordance with international law and that has the United Nations at its centre is required to ensure that investments in building a fair and multilateral system bear positive effects for all.

3. Over the past year, global trends have emerged, creating new challenges for national and international rule of law structures. The United Nations has been at the forefront of the response to those challenges, triggering and facilitating discussion among members of the international community about constructive ways to address them. Yet, many of the areas involved, such as climate change, forced displacement, hate speech or the impact of new technologies on modern societies, require innovative and creative solutions to adapt and equip rule of law institutions to adequately address the issues.

4. The proliferation of hate speech and incitement to violence is alarming. The Secretary-General has set two urgent initiatives in motion: (a) the drawing up of a United Nations plan of action to fully mobilize the system to tackle hate speech, led by his Special Adviser on the Prevention of Genocide; and (b) an effort led by the United Nations High Representative for the Alliance of Civilizations to help to ensure the safety of religious sanctuaries.

5. Climate change has a direct effect on peace and security, human rights, development and, ultimately, on rule of law institutions. One of the challenges in the coming years involves strengthening the rule of law to ensure a people-centred approach that protects the rights of the most vulnerable and fairly distributes the burdens of climate change and the benefits of adaptation. Domestic judicial mechanisms will be essential to supporting a rights-based approach to ensure that violations of environmental laws are tackled and effective remedies are provided, including with respect to compensation for people displaced from their land because of climate change.

6. The number of people that are currently displaced because of persecution, conflict, violence and other rule of law deficits stands at a record high and continues to increase. That situation requires an ever-increasing commitment to rule of law-based asylum and protection regimes that provide for inclusion, advance equal access to rights and address and prevent statelessness. Under the global compact on refugees, it is recognized that sustainable solutions cannot be achieved without international cooperation and solidarity.

7. The digital age has brought about new challenges with regard to security, equity and human rights. The current means and levels of international cooperation and normativity are insufficient to meet the scale of change brought about by digital technologies. The complex nature of cybercrime and the fact that it takes place in cyberspace, where perpetrators and their victims are often located in different regions, highlights the need to adopt urgent international responses. The use of algorithms and artificial intelligence applications also raise questions as to the applicable normative

framework for adequately protecting human rights, in particular the impact of such technologies on racial and religious minorities, political opposition and activists.

8. The downward trend concerning the application of the death penalty has continued, as confirmed by General Assembly resolution 73/175. Several Member States have adopted measures towards its abolition. Others have reduced the scope of offences punishable by death. It is encouraging that, to date, 87 States have ratified or acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, some States have resumed executions or continue to use the death penalty for offences that do not meet the threshold of the most serious crimes.

## **II. United Nations support and activities to strengthen the rule of law**

### **A. Promotion of the rule of law at the national level**

#### **1. Effective, inclusive and functioning justice, corrections and security institutions**

9. The United Nations continued to provide support to rule of law and security institutions in very diverse settings, in particular in contexts of conflict and post-conflict, at the request of national authorities. The Organization contributed to restoring accountable and inclusive national rule of law and security institutions, while also pursuing a more preventative approach to peacebuilding and sustaining peace.

10. In Mali, the Organization supported the implementation of the peace agreement and developed a project on justice and reconciliation in the Mopti region, addressing intercommunal conflict by strengthening the relationship between formal and traditional justice mechanisms. With international partners, the United Nations delivered training to the Malian security forces to strengthen their capacities to address organized crime and sexual and gender-based violence, protect civilians and adhere to human rights standards. The United Nations also supported the country's Ministry of Security and Civil Protection in developing a four-year strategic plan to address security concerns and prevent crime, including through community-oriented policing.

11. In the Central African Republic, the United Nations supported the re-establishment of basic justice services, by assisting in rendering 15 courts operational and in increasing the number of operational prisons placed under the control of national authorities, as well as improvements in the provision of food, water and basic health-care services to prisoners and the recruitment and vetting of qualified penitentiary recruits.

12. In the Democratic Republic of the Congo, the Organization assisted in rendering four new courts of appeal operational in the eastern part of the country. Infrastructure improvements and the professionalization of Congolese prison staff in 14 high-risk prison facilities resulted in a significant decrease in the prison escape rate.

13. In Bangladesh, the United Nations worked to strengthen the resilience of local institutions in responding to the heavy demands of a population hosting Rohingya communities and in addressing risks of intra- and intercommunal conflict. Activities were focused on supporting alternative dispute resolution processes by increasing the capacity of local mediators and implementing community-oriented policing strategies and through the establishment of a local office of the National Human Rights Commission of Bangladesh.

14. The United Nations provided support to girls and boys who were in contact with justice and administrative bodies to improve their right to access to justice. In Afghanistan, specific legislation created the possibility for judges to apply alternative sanctions for children in conflict with the law. In Albania, Chad, Egypt, Morocco, Nepal, Thailand and Uzbekistan, the Organization supported amendments to laws pertaining to children or existing criminal procedure codes to create additional protections and safeguards for children appearing as victims, witnesses or alleged perpetrators. In Viet Nam, the United Nations supported the development of regulatory mechanisms for law enforcement officers and prosecutors and further supported the development of a manual for prosecutors on handling cases of violence against children and child sexual exploitation.

15. United Nations interventions have included the effective incorporation of gender-related aspects to address the specific needs of women. Support was provided in Jordan to implement the national action plan aimed at enhancing access to justice for women through increasing the responsiveness of the courts to women's rights and enhancing the sensitivity and effectiveness of judicial adjudication.

## **2. People-centred security and reduction of armed violence**

16. The United Nations seeks to reassert the centrality of the individual and the community in all efforts to prevent and reduce violence and insecurity. The focus goes beyond curbing the excessive use of force, extending also to prevention by addressing human rights violations and abuses and strengthening safeguards for accountability and for the victims' right to justice. Achieving those results requires an integrated and multisectoral approach that includes support for security forces, the justice sector, parliaments and internal oversight mechanisms, as well as civil society organizations and local communities.

17. In the Central African Republic, the United Nations continued to implement community violence reduction programmes in hotspot locations targeting armed group elements that are ineligible for participation in the national disarmament, demobilization, reintegration and repatriation programme, as well as other community members, in particular young people prone to violence and women. During the reporting period, 6,850 beneficiaries, including 1,462 women, received support. Since the beginning of community violence reduction operations, 6,112 weapons, of which many were traditional weapons, and 16,096 rounds of ammunition have been collected.

18. In South Sudan, 107 cases were resolved through alternate dispute resolution mechanisms, including on issues related to land disputes, cattle raiding, child marriage and sexual and gender-based violence. In addition, the United Nations continued its efforts to improve security in protection of civilians sites through safe, secure and humane detention at United Nations Mission in South Sudan (UNMISS) holding facilities.

19. In Somalia, the United Nations constructed the headquarters for the Maritime Police Unit, delivered the first phase of the high-security Mogadishu prison court complex and secured a moratorium on the death penalty for persons detained or tried at the complex. It also facilitated the payment of stipends to 3,000 Somali National Army soldiers and continued with biometric registration of the national armed forces, the national police force and the custodial corps.

20. In Liberia, the United Nations continued to impress upon national authorities the need to address security sector reform priorities, including insufficient capacity and resources to deploy security officers in rural and border areas. In Haiti, United Nations support for the national police force enabled it to effectively manage civil disturbances and demonstrations as they arose. In addition, support was provided to

the Inspectorate General of the Haitian National Police to implement an electronic case management system, greatly increasing the efficiency of police response. In Côte d'Ivoire, the United Nations assisted in the training of 400 ex-combatants who had been integrated into the penitentiary guard corps on respect for human rights, responsible citizenship and ethics, thereby enhancing their capacities to serve in public administration.

21. In Thailand, the United Nations supported the roll-out of the country's national action plan on women and peace and security, engaging political parties and local authorities in promoting women's leadership, political participation and decision-making and raising awareness of all forms of violence against women and girls.

### **3. Accountability at the national level for serious crimes under international law**

22. Criminal accountability and broader transitional justice processes are critical in addressing deficits in justice and the rule of law in the aftermath of serious or massive human rights violations. The United Nations continues to advocate against impunity and in favour of responses that address the rights, needs and expectations of victims and affected communities, striving for the realization of the rights to truth, justice, reparation and guarantees of non-recurrence.

23. In the Central African Republic, work to render the Special Criminal Court operational continued, with the establishment of the Court and a special judicial police unit. The investigation and prosecution strategy of the Court and a roadmap for prioritizing cases have also been finalized, while strategies for victim and witness protection, legal aid and outreach have been adopted by the Court. Four criminal court sessions were held in Bangui and Bouar, where 79 cases were tried, including 13 cases of sexual and gender-based violence. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic played a critical role in arresting, collecting evidence on and handing over to national authorities 356 alleged criminals arrested under urgent temporary measures. The United Nations also continues to provide support to the national joint rapid response unit to prevent sexual violence against women and children.

24. In the Democratic Republic of the Congo, prosecution support cells supported the authorities in the processing of some 70 case files involving 390 accused persons, leading to 100 convictions, including mid-level to senior officials of the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police, as well as armed group and militia leaders. Among them, several emblematic cases were adjudicated, including the *Kamananga* and *Habarugira* cases. The United Nations also continued to provide support for the investigation and prosecution of crimes involving sexual violence. Several landmark rape and sexual violence cases were adjudicated, including the convictions of a militia leader and an armed forces major for rape and murder perpetrated in Kalehe territory and of seven Congolese security forces officials for mass rape in Djugu, in Ituri Province. The United Nations is also assisting with the ongoing trial of a rebel commander for the alleged rapes of 387 women, children and men in Walikale territory.

25. In South Sudan, the United Nations facilitated investigations of sexual violence and other violations committed inside UNMISS protection of civilians sites, resulting in 12 convictions.

26. In the Gambia, a comprehensive national strategy for transitional justice was developed following broad consultations in rural communities. In addition, the Truth, Reconciliation and Reparations Commission, which was formally launched in October 2018, is now fully operational and has begun collecting statements, undertaking investigations and holding public hearings.

27. In Mali, United Nations assistance supported the work of the Truth, Justice and Reconciliation Commission through provisions that cover the collection of information, the holding of hearings and the establishment of a victims' reparations policy with a gender perspective.

28. In Guinea, the United Nations continues to participate in the steering committee created by the Government to organize trials for the crimes of 28 September 2009, in which at least 156 people were killed or disappeared and at least 109 women and girls were victims of sexual violence. Strong political will is required to ensure that such national accountability efforts move forward.

29. In Colombia, the United Nations has continued to support national transitional justice mechanisms, in particular the Special Jurisdiction for Peace, the Truth Commission and the Unit for the Search for Persons Deemed Missing in the Context of and Due to the Armed Conflict.

#### **4. Access to justice, in particular for disadvantaged and marginalized groups**

30. The United Nations continued to work towards facilitating the realization of the right to justice for all persons, in particular those who are in situations of vulnerability.

31. In Darfur, Sudan, support has been focused on re-establishing rural courts as the fastest and most effective way to expand access to justice. In addition, over 200 rural court judges were trained in mediation and conflict resolution. Currently, 70 per cent of cases in Sudan are resolved in rural courts, which has had a significant impact on mitigating community tensions.

32. In Haiti, the United Nations continued to provide assistance through the legal aid offices for individuals held in pretrial detention, contributing to the release of 250 pretrial detainees in Port-au-Prince. In Somalia, in Puntland, 607 individuals were provided with legal representation and 1,046 received paralegal services in 2018, including 152 sexual violence survivors. In Guinea-Bissau, the United Nations enabled the Access to Justice Centre to provide legal advice and mediation services to 1,981 people in 2018.

33. In Timor-Leste, the United Nations facilitated the deployment of mobile courts in areas where permanent courts have not been established, to provide people with accessible, affordable and efficient legal support. In 2018, mobile courts adjudicated 332 cases, which constitute 12.4 per cent of the total criminal cases disposed in the courts of first instance of the four district courts across the country.

34. The United Nations supported Panama, Paraguay and Uruguay in establishing statelessness determination procedures. Moreover, a court in Côte d'Ivoire granted nationality to five foundlings, following a landmark court decision. Another judge subsequently decided on behalf of six additional stateless foundlings. Those decisions are expected to create an important precedent for efforts to bring the nationality law in line with the 1961 Convention on the Reduction of Statelessness.

#### **5. Security and justice for women and girls**

35. Ensuring security and justice for women and girls is essential to sustaining peace and to achieving Sustainable Development Goals 5, on gender equality, and 6, on peace, justice and strong institutions, of the 2030 Agenda for Sustainable Development. The adoption of resolution [2467 \(2019\)](#) by the Security Council was an important step to encourage Member States to adopt a survivor-centred approach to addressing sexual violence in conflict.

36. In Afghanistan, a total of 22 specialized courts on violence against women have been rendered operational, with 92 judges deployed across the country and 49 dedicated prosecutors deployed in 18 provinces.

37. In Somalia, access to justice for women increased with the expansion of mobile courts to Jubbaland and Galmudug areas. Four community dispute resolution centres were established to enhance the participation of women in alternative dispute resolution processes, contributing to the resolution of 1,392 cases.

38. In the Arab region, the United Nations produced and disseminated 18 country reports on gender justice and the law that identify gaps in protection against violence and gender inequalities in the penal code and in family and labour laws.<sup>1</sup>

## 6. Anti-corruption

39. The far-reaching implications of corruption are increasingly recognized by Member States. In September 2018, the Security Council held its first-ever meeting on the links between corruption and conflict. It also considered ways to disrupt the illicit siphoning of money, which makes countries more susceptible to conflict. Member States recognized those challenges in the 2030 Agenda, establishing anti-corruption as a global imperative. The special session of the General Assembly against corruption, to be held in 2021, will provide an opportunity to consider measures to prevent and combat corruption and strengthen international cooperation.

40. The Organization provided support to Barbados, the Dominican Republic, Ecuador, Ethiopia, Grenada, Guatemala, Honduras, Kuwait, Qatar, Timor-Leste and Uzbekistan in the development of national anti-corruption strategies in line with the United Nations Convention against Corruption. Over 1,600 practitioners and other stakeholders in the field, from more than 55 countries, were trained on preventing, detecting and investigating corruption or prosecuting and adjudicating corruption cases. In addition, the United Nations supported Member States' efforts to strengthen witness and whistle-blower protection in corruption cases, counter corruption related to wildlife crime and conduct sector-specific corruption risk assessments.

41. In Afghanistan, the United Nations continued to provide support to the Government to strengthen oversight mechanisms and fight corruption. For example, the new anti-corruption law requires the establishment of an independent anti-corruption commission and provides the legal basis for the Anti-Corruption Justice Centre. As a result, 24 high-level corruption cases were heard at the Primary Court level and a further 24 cases were tried by the Appeals Court, including against three military generals, four deputy ministers, two members of the National Assembly and two provincial council heads.

42. In South Sudan, draft legislation strengthening internal control mechanisms to address corruption was advanced, including a judiciary act to strengthen the independence of the judiciary, an audit chamber act ensuring public accountability of government bodies and institutions and a petroleum act regulating the ethical, efficient and transparent management of oil resources.

43. The International Commission against Impunity in Guatemala continued to provide support to the Office of the Public Prosecutor of Guatemala in the investigation and dismantling of illegal security groups and clandestine security organizations.

44. Concerning the return of stolen assets to their countries of origin, the Stolen Asset Recovery Initiative assisted over 20 countries in their efforts to recover stolen

<sup>1</sup> The reports are available at [www.arabstates.undp.org/content/rbas/en/home/library/Dem\\_Gov/gender-justice-and-the-law-study.html](http://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html).

assets, including through follow-up to the Global Forum on Asset Recovery held in December 2017.

**7. Strengthening national institutions to prevent violence and combat terrorism and crime**

45. To tackle some of the challenges related to the territorial collapse of Islamic State in Iraq and the Levant, in particular the thousands of people with links to United Nations-designated terrorist groups that remain stranded in overcrowded camps in Syria and in Iraq, relevant United Nations entities produced a set of policy and operational principles for the protection, repatriation, prosecution, rehabilitation and reintegration of women and children with links to those groups.

46. The Organization supported efforts to strengthen criminal justice responses to terrorism and violent extremism, in line with the international legal framework against terrorism and in accordance with international human rights law and international refugee law. Examples include the National Anti-Money-Laundering and Countering the Financing of Terrorism Strategy adopted by the Philippines in 2018; the 2018 amendment of counter-terrorism legislation in Indonesia; the adoption of the regional plan of action on the prevention of violent extremism of the Association of Southeast Asian Nations; and the ongoing process of drafting national plans of action on the prevention of violent extremism in Indonesia and Philippines.

47. In Somalia, the United Nations facilitated the transfer of high-risk suspects from military courts to the appropriate legal jurisdiction of the civilian court system (Mogadishu prison and court complex) to enable their safe, secure and humane detention and the processing of their trials. The Organization also supported the psychosocial rehabilitation of 20 convicted high-risk prisoners suspected of having affiliations with Al-Shabaab in the Baidoa central prison.

48. In Mali, with the support of the United Nations, the specialized prosecutor on counter-terrorism brought to trial 20 cases against 34 individuals charged with terrorism-related crimes, leading to 30 conviction. United Nations continues to provide assistance to build national capacity in the management of high-risk prisoners.

49. In the Lake Chad Basin region, the Organization trained prosecutors and judges on handling terrorism cases, with a specific emphasis on people-centred responses and full adherence to human rights. In the Niger, more than 600 Boko Haram suspects received legal aid. United Nations-trained judges advanced 230 cases involving terrorism suspects in 60 days, which expedited their remand for trial or release. In Chad, the Organization provided specialized training and supported a field mission of investigative judges and their clerks to a detention facility where approximately 270 Boko Haram suspects were being held. The Organization worked with Member States to develop a regional approach on the screening, prosecution, rehabilitation and reintegration of foreign terrorist fighters as part of the Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected Areas of the Lake Chad Basin Region. It also worked with military counterparts on guidelines to facilitate the use of information preserved, collected and shared by the military as evidence to prosecute terrorist offences before national criminal courts.

50. The Organization strengthened prosecutorial and investigative capacities related to cyberdependent and cyberenabled crimes in more than 48 countries. The United Nations supported the creation of specialized investigation units in Guatemala and Honduras and the creation of forensic laboratories in Kenya and the Lao People's Democratic Republic. Furthermore, the United Nations worked with law enforcement agencies in Central America and South-East Asia to counter online child sexual abuse material.

## **8. Assistance for constitution-making**

51. The Organization supported the design and conduct of inclusive and participatory constitutional reform processes at the request of Member States. In the Gambia, Guinea-Bissau, Liberia, Nepal, Somalia and Tuvalu, United Nations assistance included a focus on governance and fundamental constitutional rights. In Algeria, the Organization provided support to the Constitutional Council. In Tunisia, the Organization helped to facilitate dialogue in support of the entry into operation of the constitutional court and the election of its members. In South Sudan, the Organization provided assistance to incorporate and align the peace agreement with the Transitional Constitution. In Algeria, the Central African Republic and Georgia, the United Nations advised on provisions on non-discrimination and on stand-alone clauses on women's rights. It also supported the realization of constitutional rights of the child, including in Cuba, the Gambia, Guyana and Malawi. The Global Gender Equality Constitutional Database was used as a resource for identifying good practice gender equality provisions in several areas of constitutionalism.<sup>2</sup>

## **B. Strengthening the administration of justice within the Organization**

52. As at 30 June 2019, the United Nations Dispute Tribunal had issued 1,776 judgments and the United Nations Appeals Tribunal had issued 919.

## **C. Promotion of the rule of law at the international level**

### **1. Codification, development and promotion of an international legal framework**

#### **(a) Codification and development of international instruments, norms, standards and rules**

53. The Sixth Committee of the General Assembly considered several items relating to the codification and development of international law during the seventy-third session of the Assembly, including on the topic of the protection of persons in the event of disasters. In its consideration of the item on the report of the International Law Commission on the work of its seventieth session, as reflected in Assembly resolution 73/265, the Committee noted the completion of the second reading of the draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, and the completion of the second reading of the draft conclusions on identification of customary international law. The Committee also noted the completion of the first reading of the draft guidelines on the protection of the atmosphere, as well as the completion of the first reading of the draft guide to provisional application of treaties. The Committee also took note of the Commission's decision to include the topic "General principles of law" in its programme of work and noted the inclusion of the topics "Universal criminal jurisdiction" and "Sea-level rise in relation to international law" in its long-term programme of work.

54. The International Law Commission held its seventy-first session in Geneva. It had six substantive topics on its agenda and decided to include the topic "Sea-level rise in relation to international law" in its program of work. In support of the work of the Commission, the Secretariat prepared a memorandum providing information on treaties, which may be of relevance to its future work on the topic "Succession of States in respect of State responsibility", and reissued its memorandum on ways and

<sup>2</sup> The database is available at <http://constitutions.unwomen.org/en>.

means of making the evidence of customary international law more readily available, to reflect the text of the draft conclusions and commentaries on identification of customary international law adopted on second reading.

55. One additional State became party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, bringing the total number of States parties to 90.

56. South Sudan acceded to the Convention relating to the Status of Refugees of 1951 and to the 1967 Protocol thereto, depositing its instrument of accession to the United Nations on 10 December 2018. No other accessions, including to the African Refugee Convention of 1969 can be reported. A total of 149 States are now party to either the 1951 Convention or its 1967 Protocol, or both.

57. Haiti acceded to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Spain acceded to the 1961 Convention.

58. Concerning the law of the sea, in its resolution [72/249](#), the General Assembly decided to convene an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee established by General Assembly resolution [69/292](#). The conference held two sessions, in September 2018 and March 2019, and will continue its work in two further sessions, to be held in August 2019 and in the first half of 2020.

59. At its fifty-second session, in 2019, the United Nations Commission on International Trade Law (UNCITRAL) was expected to adopt the following: (a) a draft model law on enterprise group insolvency, together with its guide to enactment; (b) draft model legislative provisions on public-private partnerships, together with an accompanying legislative guide; (c) a draft practice guide to the UNCITRAL Model Law on Secured Transactions; (d) an additional section to part four of the UNCITRAL Legislative Guide on Insolvency Law, addressing the obligations of directors of enterprise group companies in the period approaching insolvency; (e) draft mediation rules; and (f) draft notes on mediation. The Commission is also expected to review notes by the UNCITRAL secretariat on the main issues of cloud computing contracts and authorize their publication in the form of an online reference tool.

60. There were more than 12 legislative actions with respect to UNCITRAL texts, including one accession to the United Nations Convention on Contracts for the International Sale of Goods, two ratifications of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration and one accession to and one ratification of the United Nations Convention on the Use of Electronic Communications in International Contracts.

61. At its eighth session, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime established a Mechanism for the Review of the Implementation of the Convention and the Protocols thereto. The Mechanism promotes the rule of law by identifying the difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols, as well as good practices adopted by States parties in implementing those legal instruments in order to prevent and combat transnational organized crime and advance the rule of law at the international level.

**(b) Promotion of international instruments, norms, standards and rules**

62. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, established by the

General Assembly in 1965, continued its activities by conducting four in-person training programmes (the International Law Fellowship Programme and the United Nations Regional Courses in International Law for Africa, for Latin America and the Caribbean and for Asia and the Pacific); by adding 50 lectures to the United Nations Audiovisual Library of International Law and facilitating access to it through the launch of podcasts and by increasing its geographical and linguistic diversity; and by issuing legal publications.

63. Within the framework of the UNCITRAL technical assistance and cooperation programme, more than 40 technical assistance, cooperation and capacity-building activities were held in some 20 jurisdictions, at the international, regional and subregional levels. Those activities covered such areas of international commercial law as dispute settlement, secured transactions, insolvency law, procurement and infrastructure development, the sale of goods and electronic commerce.

## **2. International and hybrid courts and tribunals**

### **(a) International Court of Justice**

64. On 25 February 2019, the International Court of Justice gave its advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The Court addressed the request contained in General Assembly resolution [71/292](#), in which the Assembly posed the following two questions: (a) on the lawfulness of the completion of the process of the decolonization of Mauritius; and (b) on the consequences under international law arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago. The Court concluded that the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago. It further concluded that the United Kingdom was under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible. Finally, the Court concluded that all Member States were under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius.

65. On 22 May 2019, the General Assembly adopted resolution [73/295](#), entitled “Advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965”, in which the Assembly, among other things, requested the Secretary-General to submit a report to the Assembly at its seventy-fourth session on the implementation of the resolution.

66. There are currently 17 pending cases on the list of the International Court of Justice. Member States are urged to continue to broaden their recognition of the compulsory jurisdiction of the Court in order to solve their differences by peaceful means.

### **(b) International Tribunal for the Law of the Sea and arbitral tribunals established pursuant to the United Nations Convention on the Law of the Sea**

67. In April 2019, the International Tribunal for the Law of the Sea delivered its judgment in *The M/V “Norstar” Case (Panama v. Italy)*, which concerned the arrest and detention by Italy of a Panamanian-flagged vessel. In May 2019, Switzerland submitted to the Tribunal a request for provisional measures in *The M/T “San Padre Pio” Case (Switzerland v. Nigeria)*. Also in May 2019, the Tribunal issued an order prescribing provisional measures in a dispute between Ukraine and the Russian Federation in the *Case concerning the detention of three Ukrainian naval vessels (Ukraine v. Russian Federation)*.

68. Law of the sea issues were also considered by two arbitral tribunals constituted under annex VII to the United Nations Convention on the Law of the Sea in the *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. Russian Federation)* and *The “Enrica Lexie” Incident (Italy v. India)*. In both arbitral proceedings, hearings are scheduled to be held in 2019.

**(c) International Criminal Court and other international courts and tribunals**

69. The year 2018 marked the twentieth anniversary of the adoption of the Rome Statute of the International Criminal Court, and several commemorative events were held to celebrate that milestone event.

70. The notification of the withdrawal by the Philippines from the Rome Statute, deposited with the Secretary-General on 17 March 2018, took effect on 17 March 2019. Pursuant to the resolution adopted at the sixteenth session of the Assembly of States Parties to the Rome Statute, held from 4 to 14 December 2017, the Court’s jurisdiction over the crime of aggression was activated as of 17 July 2018. Since then, Guyana (28 September 2018), Ireland (27 September 2018) and Paraguay (5 April 2019) have notified the Secretary-General of their respective consent to be bound by the amendments to the Rome Statute on the crime of aggression.

71. The United Nations continued to cooperate with the International Criminal Court by providing administrative, legal and logistical support in accordance with the Relationship Agreement. The Organization assisted the Court through the sharing of information and evidence, the provision of transportation and security support for the Court’s field operations and the facilitation of interviews and testimonies of United Nations personnel.

72. The International Residual Mechanism for Criminal Tribunals delivered its appeal judgment in the *Karadžić* case on 20 March 2019, at its branch in The Hague, Netherlands, in which it affirmed the conviction of Radovan Karadžić for genocide, crimes against humanity and violations of the laws or customs of war. The *Stanišić and Simatović* trial and the appeal proceedings in the *Mladić* case are ongoing. At its branch in Arusha, United Republic of Tanzania, the Residual Mechanism remains seized of a motion for review of judgment in the *Ngirabatware* case and of pretrial contempt proceedings in the *Turinabo, Maximilien et al.* case. The Residual Mechanism is also monitoring the five ongoing cases referred by the International Criminal Tribunal for Rwanda to the national courts of France and Rwanda. The Office of the Prosecutor continues its efforts to locate and arrest the remaining fugitives.

73. On 16 November 2018, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia pronounced its verdict in case 002/02, convicting former senior Khmer Rouge leaders Nuon Chea and Khieu Samphan of genocide, crimes against humanity and grave breaches of the Geneva Conventions relating to the protection of victims of international armed conflicts. The full written judgment was notified in March 2019. In the appeal against the dismissal of case 004/01, the Pre-Trial Chamber declared on 28 June 2018 that it had not assembled an affirmative vote of at least four judges for a decision on the merits based on common reasoning and declared that the dismissal of the charges against Im Chaem should stand. The Pre-Trial Chamber is seized of separate closing orders by the co-investigating judges in cases 003 and 004/02 against Meas Muth and Ao An, respectively, while the closing order in case 004 against Yim Tith is pending.

74. The Special Tribunal for Lebanon remains seized with *Ayyash et al.* case, which relates to the attack that killed the Prime Minister of Lebanon, Rafik Hariri, and 21 other persons in 2005, for which 4 persons have been indicted and are being tried in absentia. The closing arguments concluded on 21 September 2018, and it is expected

that the Tribunal will deliver its trial judgment in the second half of 2019. Other connected cases remain under investigation. The Residual Special Court for Sierra Leone continued to monitor the enforcement of sentences of persons convicted by the Special Court for Sierra Leone, provide protection and support services to protected witnesses and address requests for assistance from national authorities.

### **3. Other international accountability mechanisms**

75. The International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 continued its efforts to become fully operational so as to contribute to the accountability process, as reflected in its second and third reports to the General Assembly (A/73/295 and A/73/741, respectively). The International, Impartial and Independent Mechanism has concluded sharing arrangements with numerous new providers and continues to engage with States, civil society, United Nations system entities and other international organizations to develop frameworks for the transfer of material. The Mechanism has opened two case files.

76. In 2018, the Secretary-General undertook further measures to establish the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant and render it operational. The Special Adviser, who was appointed by the Secretary-General to lead the Investigative Team, officially commenced his functions on 13 July 2018. Pursuant to paragraph 15 of resolution 2379 (2017), the Secretary-General wrote to the President of the Security Council on 15 August 2018, to notify the Council that the Investigative Team would officially begin its work on 20 August 2018. The initial elements of the Investigative Team were deployed to Baghdad on 29 October 2018, and the Team has since been focused on becoming operational and on implementing its mandate in Iraq, including engaging with key national actors, as reflected in its first report to the Security Council, issued in November 2018.

77. By its resolution 39/2, the Human Rights Council decided to establish an independent investigative mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations with respect to Myanmar since 2011. The General Assembly, in its resolution 73/264, called for the expeditious entry into operation of the independent mechanism established by the Council and for steps to secure its effective functioning as soon as possible. The terms of reference of the independent mechanism were conveyed to the President of the General Assembly and the President of the Human Rights Council by way of letters dated 16 January 2019 from the Secretary-General. The Secretary-General is undertaking the steps, measures and arrangements necessary for the speedy establishment and effective functioning of the independent mechanism. The Secretary-General announced the appointment of the Head of the Independent Investigative Mechanism for Myanmar on 2 April 2019. In June 2019, the Secretary-General determined Geneva as the seat of the mechanism.

## **III. Coordination and cohesion in United Nations rule of law assistance**

### **A. Global Focal Point for the Rule of Law**

78. The Global Focal Point for the Rule of Law continued to spearhead coordinated United Nations rule of law assistance to address and prevent violent conflict, protect human rights and restore justice and security. In its resolution 2447 (2018), the

Security Council acknowledged that the joint planning and delivery of assistance to police, justice and corrections areas by various United Nations entities through the Global Focal Point have created greater effectiveness and efficiencies in peace operations.

79. The Global Focal Point provided expert advice to the Special Envoy of the Secretary-General for Yemen and supported the sustained funding of the prosecution support cells in the Democratic Republic of the Congo. In addition, Global Focal Point partners provided joint support to nine countries and territories and deployed 16 experts, including through the Standing Police Capacity and the Justice and Corrections Standing Capacity, to support the establishment of transparent, accountable and inclusive justice and security institutions and in support of the 2030 Agenda.

80. Global Focal Point partners have sparked innovative and cost-neutral changes in the way United Nations entities collaborate, as its core operational modality consists in pooling existing expertise and resources spread across various entities. There is ongoing commitment to enhance and consolidate the important contribution of the Global Focal Point to create a more coherent, gender responsive, efficient and field-driven United Nations rule of law service delivery platform, including by resolving interoperability challenges and advocating for the use of sustainable financial resources.

## **B. Security Council resolution 2447 (2018)**

81. In its resolution 2447 (2018), the Security Council provides direction for the work of United Nations peace operations when supporting national authorities in the areas of police, justice and corrections. The following three areas are key to the effective implementation of the resolution: (a) deepening the analysis of gaps and capacity needs with regard to rule of law and rendering that analysis more strategic, as a critical component of prevention and early warning efforts and as a key step in the planning of peace operations mandates; (b) improving data collection and monitoring capabilities for a better assessment of the effectiveness of United Nations assistance; and (c) strengthening United Nations assistance for criminal justice institutions in host countries, taking into account the challenging and complex nature of current conflicts. In the resolution, the Council also confirms the linkages between United Nations assistance on the rule of law and the protection of civilians; the promotion of gender equality and human rights; the advancement of sustainable development; and efforts to sustain peace. The resolution complements previous resolutions, such as those on security sector reform, policing and peacekeeping operations.

## **C. Progress in prioritizing rule of law support in the context of transitions of United Nations peace operations**

82. The United Nations has made advancements in strategically enhancing rule of law support in the context of mission transitions, in line with the comprehensive transition strategy initiated by the Secretary General.

83. In Darfur, support for the rule of law remains a priority area in the transition process, though contributions to the establishment of a protective environment, the mitigation of intercommunal conflicts and the creation of conditions for durable solutions for displaced persons. As part of the transition of the programmatic priorities of the African Union-United Nations Hybrid Operation in Darfur to national authorities and the United Nations country team, State liaison functions have been

established in the capitals of North Darfur, South Darfur, West Darfur and East Darfur to implement four strategic priorities, including in the rule of law area, in line with Security Council resolution 2429 (2018).

84. In its resolution 2476 (2019), the Security Council requested the Secretary-General to establish the United Nations Integrated Office in Haiti, with the mandate to support the Government and national institutions on strategic reforms, in particular in the rule of law sector.

#### **D. United Nations Global Counter-Terrorism Coordination Compact**

85. The launch of the United Nations Global Counter-Terrorism Coordination Compact in December 2018 was a major step forward in enhancing coordination and coherence within the Organization on issues related to counter-terrorism, including with regard to preventing and countering violent extremism, deemed as being conducive to terrorism. The Compact will help to ensure better support from the United Nations system to assist Member States in implementing the United Nations Global Counter-Terrorism Strategy in a balanced and integrated manner. The Compact is promoting an inter-agency and comprehensive approach to resource mobilization, including through the first consolidated multi-year donor appeal, launched in February 2019, and is encouraging efforts to promote better monitoring and evaluation mechanisms to strengthen delivery of United Nations counter-terrorism assistance in the field.

#### **E. Inter-agency coordination and cooperation initiatives in preventing and combatting trafficking in persons**

86. In 2019, the United Nations, along with the Organization for Security and Cooperation in Europe, co-chaired the Inter-Agency Coordination Group against Trafficking in Persons. Through the Inter-Agency Coordination Group, the Organization works to ensure that a coordinated global response to trafficking in persons adequately address the gendered nature of the crime, which disproportionately affects women and girls globally. Work has also included key policy outputs for effective prevention, including strengthening global security and governance, resilience and responses to crises, in order to help the world's most vulnerable persons.

87. The United Nations and the International Criminal Police Organization (INTERPOL) worked together to reconnect the INTERPOL office in the Central African Republic to the INTERPOL global police communications network and to train national police officers on its use. Further collaboration between the entities enabled the extension of remote access to INTERPOL databases, including the database of lost and stolen travel documents reported by INTERPOL member States, for immigration control officers at the international airport in Bangui.

### **IV. Conclusions**

88. United Nations support for Member States in numerous areas relating to the rule of law has increased steadily over the past few years. Peace operations have attained a good level of organization and coherence in their support for the implementation of Security Council mandates on the rule of law. There is also better coordination among the different United Nations entities to deliver activities to support national processes aimed at strengthening rule of law institutions.

89. Important accountability mechanisms were also established and developed to address impunity concerns. Nevertheless, Member States are encouraged to engage with the Secretariat before intergovernmental organs take decisions on establishing international accountability mechanisms. Doing so would help to ensure that the Secretariat can respond appropriately and that any such mechanism, and the framework for its establishment, conform to applicable United Nations standards regulating these matters, which include a policy against such mechanisms sharing evidence for use in criminal proceedings in which capital punishment could be imposed or carried out.

90. Over the years, the international community has been successful in its efforts to consolidate progress on several rule of law areas. However, the emergence of new and complex challenges, in relation to which existing rules, norms and mechanisms seem to be insufficient to provide adequate regulation, will require renewed efforts to ensure that rule of law institutions can keep pace. Such challenges include climate change, artificial intelligence, forced displacement, mass migration and hate speech. To address them in the context of a rapidly changing and evolving world, smart and far-reaching solutions need to be developed as a matter of urgency.

91. The aim of the new guidance note of the Secretary-General on the United Nations and land and conflict is to ensure a coherent and sustained engagement to address land as a root cause and driver of conflict. In the guidance note, the Secretary-General offers mechanisms to address land-related conflicts so as to create an enabling environment that promotes the rule of law and the enjoyment of land rights, including for women and young people.

92. Furthermore, in the new guidance note of the Secretary-General on the United Nations and statelessness, it is indicated that the causes and consequences of statelessness should be tackled as a key priority within efforts to strengthen the rule of law. A high-level segment on statelessness will be held on 7 October 2019.

93. The Rule of Law Coordination and Resource Group will continue to advance United Nations efforts on the rule of law in a coordinated and collaborative manner. The Group brings together entities across the United Nations on a range of key issues that have an impact on peace and security, human rights and development. The Rule of Law Unit in the Executive Office of the Secretary-General will continue to engage with policymakers and Member States and provide coordination and secretariat services in support of the Group.

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**Annex****Subtopic: sharing best practices and ideas to promote respect for international law among States**

1. The Office of Legal Affairs has been working to promote respect for international law. With a view to ensuring respect for the principles and rules of international law governing the protection of diplomatic and consular missions and representatives and of missions and representatives with diplomatic status to international intergovernmental organizations, the Office is responsible for collecting reports from States on serious violations of the protection, security and safety of diplomatic and consular missions and representatives and on measures taken to bring offenders to justice and to prevent a repetition of such violations, as well as the views of States with respect to measures needed or already taken to enhance the protection of diplomatic and consular missions and representatives. The Office prepares a biennial report of the Secretary-General containing a summary of the reports and views received from States.
2. To promote the respect for international humanitarian law, the Office prepares a comprehensive biennial report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross.
3. The Office also produced a report of the Secretary-General (A/72/86), containing proposals for the General Assembly on updates to the regulations on the registration and publication of treaties, which resulted in the inclusion of the agenda item for the seventy-third session of the Assembly, entitled “Strengthening and promoting the international treaty framework”. Those discussions led to the adoption of Assembly resolution 73/210, to which amended regulations to give effect to Article 102 of the Charter of the United Nations were annexed. The amended regulations reflect developments in registration practice, international treaty-making practice and information technology, with the aim of contributing to a more effective dissemination of treaties in the internet era.
4. The above-mentioned reports of the Secretary-General have facilitated consideration of the relevant agenda items by the Sixth Committee of the General Assembly, which provides a useful platform for States to share best practices and ideas to promote respect for and the implementation of the principles and rules of international law.
5. The training programmes organized and facilitated by the Office, under the mandate of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, have also contributed to the promotion of respect for international law among States by enabling qualified persons, in particular government legal officers and teachers of international law, to deepen their knowledge of international law. In those programmes, interactive discussions are encouraged and participants from different regions share ideas, experiences and best practices regarding various topics of international law in an academic setting, with a view to enriching, and promoting a better understanding of, international law and its practice. The Office also contributes, under the mandate of the Programme of Assistance, to the dissemination of international law by developing and maintaining the United Nations Audiovisual Library of International Law, a centre for virtual training and research in international law, available worldwide and free of charge.