



General Assembly

Distr.: General
3 August 2020

Original: English

Seventy-fifth session

Item 86 of the provisional agenda*

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 [74/191](#) 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, including in the context of the coronavirus disease pandemic.

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.

* [A/75/150](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [74/191](#), in which the Assembly requested the Secretary-General to submit his annual report on United Nations rule of law activities, addressing, in a balanced manner, the national and international dimensions of the rule of law.

2. The present report summarizes how the United Nations family has come together to support and assist Member States, at their request, to promote the rule of law and ensure respect for the human rights of all, including as part of the response to the coronavirus disease (COVID-19). It offers reflections on the multilateral partnerships to be maintained and strengthened and underscores the commitment made by Member States and their partners to live up to the expectations of their populations concerning the rule of law and the attainment of the Sustainable Development Goals.

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

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

3. States have long recognized that the rule of law is foundational to improving access to public services, curbing corruption, restraining the abuse of power and establishing the social contract between people and the State. In supporting States in achieving sustainable development, sustainable peace, gender equality and the realization of human rights, the United Nations has provided rule of law assistance to countries on all continents at their request and based on their local contexts and needs. The present section also highlights United Nations support to address the impact of the COVID-19 pandemic on the rule of law.

1. Mitigating the risk and impact of COVID-19

4. As emergency measures have been adopted worldwide in response to COVID-19, upholding the rule of law to protect people's human rights and access to justice has become critical. Expanding the role of the law enforcement and security apparatus brings with it the risk of disproportionate use of force. Where the judiciary and internal oversight bodies are struggling to function, gaps exist in deterring possible abuses of power.¹ United Nations system entities immediately rose in response and strengthened collective efforts to provide Member States with resources to ensure that measures adopted with regard to COVID-19 comply with their obligations under international law, including international human rights law.² The use of secure, accessible and inexpensive technologies to ensure the effective functioning of judicial processes was supported to mitigate risks related to COVID-19 in United Nations peace operations and other fragile settings. The United Nations is also providing policy advice to national authorities on privacy and data protection in the application of digital solutions in relation to COVID-19. In the aftermath of COVID-19, the establishment of remote alternatives to judicial processes can contribute to improving access to justice in contexts where insecurity and other obstacles are affecting the delivery of justice services.

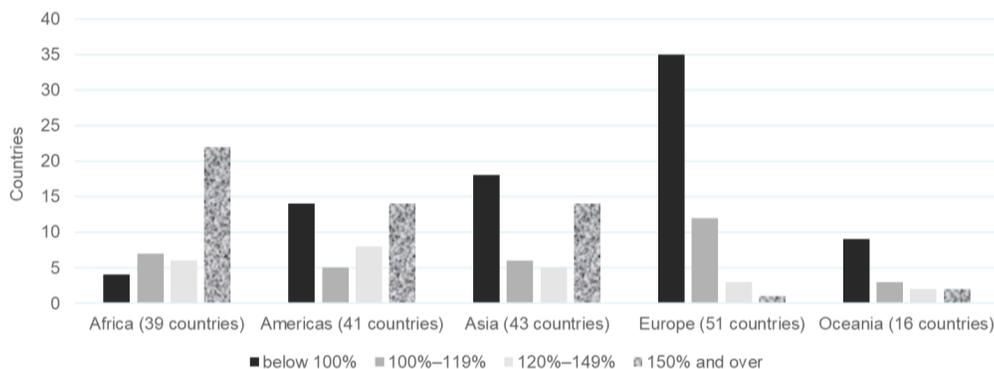
5. Recognizing that overcrowded prisons may be epicentres of the pandemic (see figure I), the Organization has developed detailed guidance and is advising authorities

¹ See United Nations, "COVID-19 and human rights: we are all in this together", April 2020.

² See United Nations, "United Nations rule of law support in the context of COVID-19 pandemic".

on following health protocols in prisons, decongesting detention facilities and addressing the specific impact of COVID-19 on children and women in those facilities. Solutions include the use of remote justice alternatives and the immediate release of low-risk prisoners and children. United Nations system entities adjusted to the operational restrictions to continue to provide technical assistance to Member States remotely, using online tools such as the Counter-Terrorism Learning Platform and online training webinars.

Figure I
Countries operating prisons above capacity



Note: Data collected through the annual United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. Data are for 2018 or the latest available year.

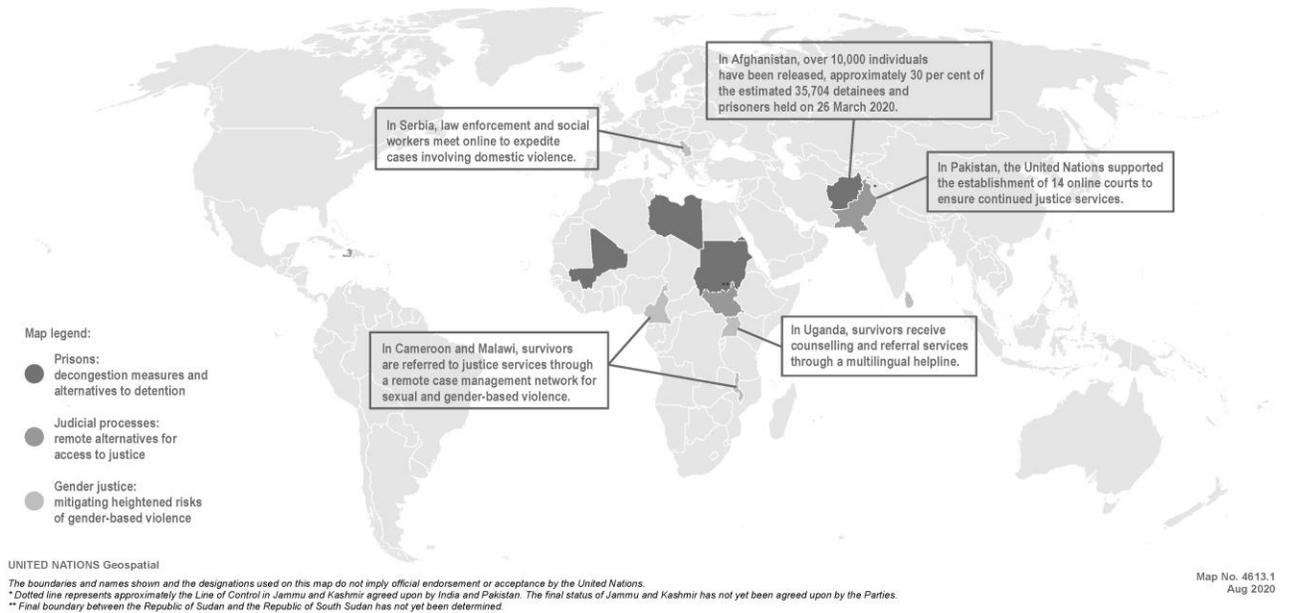
6. The United Nations has reoriented its support to global community violence reduction programmes in response to COVID-19, including the sensitization of local populations and refurbishing of premises to be used as isolation centres. State authorities in Angola, Maldives and Zambia are being supported to ensure respect for human rights norms and standards in policing activities during the state of emergency. In the Democratic Republic of the Congo, United Nations police are helping the Government with its contact tracing strategy, building on lessons learned and good practices identified during the Ebola response.

7. The pandemic has heightened risks for women and girls. Lockdown measures have increased risks of intimate partner violence and the worsening socioeconomic situation has exposed refugee women and girls to risks of sexual exploitation. The United Nations has facilitated safe access to remote case management and counselling in, for example, Nigeria, where the United Nations has set up remote management systems for refugees from Cameroon as part of which survivors of sexual and gender-based violence are assisted remotely, including with legal services.

8. The pandemic has increased the vulnerability of children already at risk as economic vulnerability grows and adds new groups that, owing to movement restrictions, are experiencing violence at home. Children's increased presence online exposes them to cyberbullying, risky online behaviour and sexual exploitation.

9. Examples of United Nations initiatives in response to COVID-19 are presented in figure II.

Figure II
Examples of United Nations assistance aimed at mitigating the risk and impact of the coronavirus disease pandemic



10. These innovative solutions and initiatives, although born out of necessity and remedial in nature, illustrate the political will and determination on the part of State authorities. They also point to opportunities for longer-term solutions to chronic issues such as lack of access to justice, prison overcrowding and overincarceration. For instance, in Haiti, the United Nations supported the Government in devising a system for online court hearings in an effort to maintain court functions. The system could be continued after the pandemic to reduce prolonged pretrial detention. The United Nations stands ready to work with Member States during their recovery phases to assist them in making their responses to future crises more effective.

2. Promoting transparency and anti-corruption

11. Corruption runs counter to the very concept of the rule of law, undermines the legitimacy of the State, undercuts development efforts and is a destabilizing force. In conflict settings, unresolved systemic corruption affects peace processes, the disarming of armed groups, the protection of civilians, and efforts to address impunity. In preparing for the special session of the General Assembly against corruption, to be held in 2021, the United Nations will support Member States in their efforts to address global corruption challenges at all levels through better coordination and integrated efforts. The special session is a significant opportunity for Member States to share national experiences and good practices and to identify new and innovative approaches to the fight against corruption.

12. To date, 187 parties have ratified or acceded to the United Nations Convention against Corruption, a key legal framework and strategic tool for Member States. At the request of Member States, The United Nations continued to support investigations of complex corruption cases, the development of national anti-corruption strategies such as asset disclosure and whistle-blower systems, and the identification of innovative approaches to addressing corruption in wildlife management and in sports. Since the Convention and Goal 16 of the Sustainable Development Goals require States to significantly reduce illicit financial flows and strengthen the recovery and return of stolen assets, support is available through the joint United Nations Office

on Drugs and Crime/World Bank Stolen Asset Recovery Initiative. For instance, the United Nations has supported countries in the Middle East and North Africa region to counter money-laundering and, in January 2020, the Anti-Corruption Justice Centre in Afghanistan convicted 10 election commissioners of fraud, setting an important accountability precedent for election-related corruption.

13. The mandate of the International Commission against Impunity in Guatemala came to an end on 3 September 2019. During its 12 years of operation, the Commission made a decisive contribution to the strengthening of the rule of law and to investigation and prosecution capacities in Guatemala.

14. During the COVID-19 pandemic, the United Nations helped to monitor sector-specific risks and provided guidance and assistance with a view to strengthening the integrity in procurement, particularly in health-care sector supply processes.

3. Ensuring effective, inclusive and accountable justice and security institutions

15. The United Nations often operates in situations with systemic shortcomings and a judicial landscape characterized by a lack of institutional independence and accountability, as well as with high levels of corruption in a system of governance that does not effectively serve the various segments of society and that does not empower women. The United Nations promotes the observance of minimum standards as well as the use of alternatives to imprisonment, restorative justice programmes and prisoner rehabilitation. Such systems would require longer-term investment in structural reforms and, often, cultural shifts to fulfil the targets contained in the Sustainable Development Goals. Figure III illustrates the impact and benefits of the range of strategic and technical assistance that the United Nations has provided.

Figure III

United Nations support for effective, inclusive and accountable institutions



Central African Republic

- 60 per cent of judicial actors now functioning at their posts
- Since 2014, number of operational prisons raised from 3 to 12
- 43 new police and gendarmerie stations refurbished to support their effective functioning
- 2,500 out of 5,000 cadets recruited to strengthen the internal security force



Democratic Republic of the Congo

- 46 courts and prosecutor's offices, and 22 prison facilities operationalized
- Capacities of 28,979 national police officers strengthened by holding 871 training sessions



Kenya

- Training provided to 1,595 criminal justice actors, including 45 per cent women
- Linkages between traditional and formal justice systems strengthened



Myanmar

- 250 justice sector officials trained to deliver people-centred justice services
- Guidance on fair trial standards and legislative drafting developed to promote international standards



Yemen

- Capacities of 922 representatives of the justice and security systems and civil society developed
- Establishment of a school for women police supported; the school is expected to enrol 700 to 800 women recruits in Aden



Ukraine

- Ombudsman's Office able to monitor 2,185 trials and more than 1,000 places of detention
- 338,000 residents in Donetsk and Luhansk oblasts received quality mobile legal aid

16. In Libya, the United Nations helped the justice sector to maintain its unity across the country – despite the escalation of hostilities that has deepened political and social divisions – by holding elections for offices in the legal and judicial institutions. Rwanda received assistance in developing environmental legislation to support the domestic implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from Their Utilization to the Convention on Biological Diversity. The United Nations helped Fiji to review its draft climate change bill to fulfil its international commitments to addressing climate change and assisted in building the capacities of legal professionals, parliamentarians and other government officials in environmental law in the Middle East and North Africa region and in Burundi, Nepal, Timor-Leste and Zimbabwe.

17. Training on child and victim-sensitive criminal justice processes was provided in the Gambia and in Yemen. In South-East Asia, guidance was provided on violence against children and child sexual exploitation, as well as on the appropriate use of digital forensic evidence in cybercrime and counter-terrorism investigations. In South-Eastern Europe and West and Central Asia, Governments and regional organizations were supported in their efforts to address cross-border crime, trafficking in persons, the smuggling of migrants, and the financing of terrorism.

4. Supporting security, crime prevention and armed violence reduction

18. As part of the Organization's efforts to help States in addressing security challenges posed by climate change and environmental degradation, support was provided to Zambia for sensitizing law enforcement to environmental crimes and addressing enforcement gaps related to the illegal trade of hazardous and severely restricted chemicals. Recognizing that migration and cattle raiding continued to be major sources of conflict in South Sudan, the United Nations supported accountability mechanisms for cattle-related crimes, including through traditional courts and mobile courts. In the Democratic Republic of the Congo and Mali, the development of national capacity for the safe storage of weapons and ammunition helped to curtail the diversion of weapons to armed groups. In Iraq, the women, including internally displaced persons, were trained as deminers, which contributed to efforts at stabilization and the prevention of violence.

19. The United Nations supported Member States in Latin America, Central Asia and East Africa in the development of urban safety and crime prevention action plans that included enhancing the safety of women. In Burkina Faso, a platform of civil society organizations aimed at security sector and governance reform was established with United Nations support. In El Salvador, the authorities developed an early warning system to assist the police in crime prevention.

5. Advancing security and justice for populations

(a) Access to justice for all

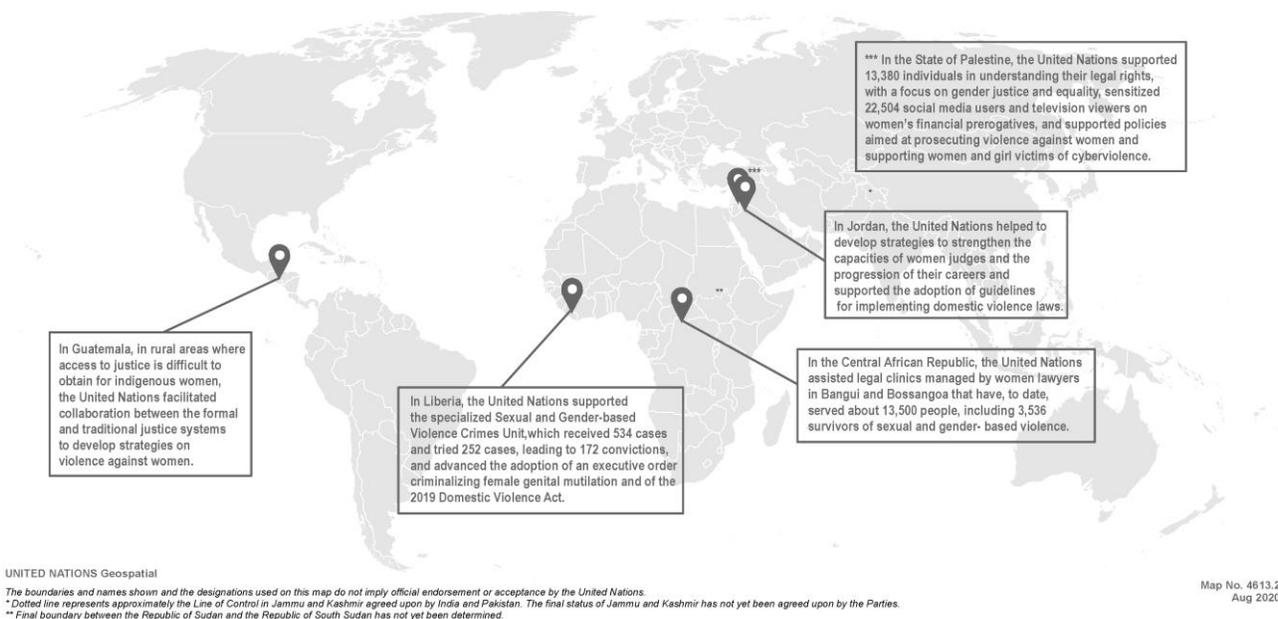
20. The United Nations provided training to community members in Bangladesh aimed at extending legal aid services to poor and vulnerable communities and supported legal aid initiatives for prison inmates in Burkina Faso and the Gambia. In Myanmar, more than 5,000 individuals received legal advisory assistance. In Pakistan, authorities provided legal aid to 25,460 persons (48 per cent of whom were women) through legal aid clinics. The United Nations supported the provision of free legal aid in 11 countries in Europe and Central Asia to those who faced barriers and unequal treatment in accessing justice.

(b) Security and justice for women and girls

21. With United Nations assistance, Member States strengthened their legal, justice and security systems to create safer environments for women and girls and promote gender equality (see figure IV). Efforts included the strengthening of legislative and normative frameworks such as gender parity and electoral laws with a particular focus on representation in public bodies in, for example Cabo Verde, Central African Republic, Côte d'Ivoire and the Niger. Legal aid related to gender-based violence, family and property rights, harmful practices and criminal justice was provided to 158,314 women and girls in Lebanon, Liberia, Senegal, Sierra Leone, Uganda and the United Republic of Tanzania, among other countries.

Figure IV

Examples of United Nations assistance in support of women and girls



(c) Security and justice for children

22. The United Nations continued with its common approach to achieving justice for children, ensuring that the Convention on the Rights of the Child and other international legal instruments related to child justice were reflected in policy reforms and implementation efforts. United Nations programmes are aimed at assisting children who are in contact with the justice system and include diversion and alternatives to detention, rehabilitation and reintegration, and child-sensitive justice and law enforcement.

23. The United Nations provided financial and technical support to the global study on children deprived of liberty (see [A/74/136](#)) and is coordinating follow-up actions to the study's recommendations. In El Salvador and Honduras, the United Nations supported authorities in the development of early warning systems to prevent violence in schools, and in implementing legislation on child disappearances.

6. Strengthening the rule of law and human rights in the prevention and countering of terrorism

24. United Nations support has benefited Member States and regional organizations in their efforts to prevent and combat terrorism, consistent with the United Nations Global Counter-Terrorism Strategy and relevant international legal instruments and Security Council resolutions. That includes promoting law enforcement and border security measures as part of counter-terrorism responses taken in adherence to the rule of law and with respect for human rights, preventing the illegal acquisition of and trafficking in firearms by terrorists, supporting initiatives to prevent terrorist radicalization, addressing the needs, safeguarding the rights of victims of terrorism, and repatriating, prosecuting, rehabilitating and reintegrating individuals, including women and children, with suspected links to groups listed by the United Nations as terrorist groups.

25. In Mali, the United Nations continued to support the country's specialized judicial unit against terrorism and transnational organized crime in the management of its investigations, including investigations into serious attacks against United Nations peacekeepers. Authorities in South-East Asia worked with the United Nations to prevent the recruitment of children into violent extremist and terrorist groups, ensuring the rehabilitation and reintegration into society of children associated with such groups, including girls. Support was provided to Algeria, Jordan, Lebanon and Tunisia in strengthening their legal regimes and regional cooperation frameworks against foreign terrorist fighters and to countries in West and North Africa and South-East Asia in countering the use of the Internet for terrorist activities.

7. Strengthening and promoting accountability at the national level

(a) Accountability for serious crimes under international law

26. The Central African Republic made progress in national-level accountability processes for serious human rights violations, including in the context of the Political Agreement for Peace and Reconciliation in the Central African Republic. The country's Special Criminal Court advanced investigations into priority cases and the Criminal Court of Bangui convicted members of armed groups for war crimes and crimes against humanity.

27. In the Democratic Republic of the Congo, prosecution support cells supported by the United Nations continued to strengthen the accountability of the security forces and armed groups, which, since 2011, had led to the conviction of over 1,090 perpetrators, including senior officers, for sexual violence and other atrocity crimes. In South Sudan, the United Nations supported the domestication of international crimes and the use of mobile courts to deliver justice in conflict-affected and underserved regions, including for rape survivors, in a context where criminal accountability was an integral part of political efforts to resolve conflict. In Guinea, the United Nations continued to assist in the organization of trials for atrocity crimes, including sexual violence crimes allegedly committed in September 2009 by security forces.

(b) Accountability for crimes committed against United Nations peacekeepers

28. Since January 2013, 266 United Nations personnel serving in peace operations have died as a result of malicious acts. In March 2020, the Security Council adopted resolution [2518 \(2020\)](#), in which it called on all Member States hosting peacekeeping

operations to promptly investigate and effectively prosecute those responsible for attacks on United Nations personnel. The United Nations has conducted extensive consultations with Member States to generate the political, operational and technical support to bring perpetrators to justice.

29. The Central African Republic, the Democratic Republic of the Congo and Mali account for almost 80 per cent of all such casualties across peace operations. Some progress was noted in those three countries, with an increase in the number of alleged perpetrators being apprehended and investigated. Earlier in 2020, six individuals were convicted in the Central African Republic of the killing of 11 United Nations peacekeepers.

8. Supporting inclusive transitional justice processes

30. Transitional justice is the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale abuses from the past, to pursue accountability, serve justice, achieve reconciliation and prevent violent conflict.

31. The United Nations continued to support transitional justice processes in Colombia. That effort included the judicial representation of victims at the Special Jurisdiction for Peace, working with the Special Unit for the Search for Persons deemed as missing in the context of and due to the armed conflict to provide counselling and psychosocial support to 12,311 victims and enabling their participation in a truth commission. In Guatemala, survivors of conflict-related sexual and domestic slavery violence were supported by the United Nations to implement the reparation sentence resulting from the Sepur Zarco case that inspired the country to adopt reparation measures.

32. In Sri Lanka, the voices of women from different communities advocating for transitional justice have helped in the establishment of the Office for Reparations and the appointment of a gender-representative reparations commission. In the Gambia, the Truth, Reconciliation and Reparations Commission has been operational with significant support from the Peacebuilding Fund and has contributed to social cohesion and national reconciliation through a participatory and inclusive process.

9. Supporting constitution-making

33. United Nations assistance is provided in recognition of the fact that constitutions are the supreme law of any country. They provide legal certainty, ensure equal applicability, and guarantee and provide for the protection of fundamental rights through courts and commissions, which are vital in promoting a rule of law and human rights culture.

34. For instance, in South Sudan, the Organization supported the National Constitutional Amendment Committee, focusing on the need for civilian control over security sector actors. In Algeria, Armenia, the Gambia, Lesotho, Maldives, Somalia, Trinidad and Tobago and Tuvalu, United Nations assistance included the promotion of effective and inclusive justice institutions and the promotion of human rights. The Organization took gender-focused initiatives, such as in Somalia, where it brought together over 300 women to develop a charter on women's rights under the constitution. The Special Envoy of the Secretary-General for Syria facilitated the launch of the Syrian-led, Syrian-owned, credible, balanced and inclusive Constitutional Committee facilitated by the United Nations in Geneva in October 2019 and helped to secure 28 per cent representation of women on the Committee.

B. Strengthening the administration of justice within the Organization

35. The internal system of administration of justice in the United Nations is built to guarantee the observance of the rule of law within the Organization and in relation to its staff members. As at 1 July 2020, the United Nations Dispute Tribunal had issued 1,951 judgments and the United Nations Appeals Tribunal had issued 1,010 judgments.

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

36. During the seventy-fourth session of the General Assembly, the Sixth Committee considered the agenda items entitled “Responsibility of States for internationally wrongful acts”, “Diplomatic protection”, “Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm” and “The law of transboundary aquifers”, which were related to the codification and development of international law, on the basis of the articles completed by the International Law Commission in 2001, 2006, 2001/2006 and 2008 respectively.

37. In its consideration of the agenda item on the report of the International Law Commission on the work of its seventy-first session, the Committee took note of the completion of the second reading of the draft articles on prevention and punishment of crimes against humanity (see [A/74/10](#), chap. IV, sect. E), of the completion of the first reading of the draft conclusions on peremptory norms of general international law (*jus cogens*) (ibid., chap. V, sect. C) and of the draft principles on protection of the environment in relation to armed conflicts (ibid., chap. VI, sect. C.). The Committee also took note of the Commission’s inclusion of the topic “Sea-level rise in relation to international law” in its programme of work and noted the inclusion of the topics “Reparation to individuals for gross violations of international human rights law and serious violations of international humanitarian law” and “Prevention and repression of piracy and armed robbery at sea” in the Commission’s long-term programme of work.

38. The Committee considered the recommendation of the International Law Commission that a convention be elaborated by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles on prevention and punishment of crimes against humanity (ibid., para. 42). The Committee took note of the draft articles and decided to include them as an item in the provisional agenda of its seventy-fifth session. On 23 June 2020, the General Assembly decided that, owing to the pandemic, the seventy-second session of the Commission would be postponed.

39. With respect to the law of the sea, the number of parties 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 increased to 91.

40. The intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction convened pursuant to General Assembly resolution [72/249](#), held its third session in August 2019. Owing to the pandemic, the fourth session, which

was to be held from 23 March to 3 April 2020, was postponed by the General Assembly in its decision 74/543.

41. Assistance has been provided to States, in particular developing States, for building human and institutional capacity. Such capacity is an essential prerequisite to the development of international law of the sea frameworks, to promoting the wider acceptance, uniform and consistent application and effective implementation of the Convention and its implementing agreements, and to the implementation of the 2030 Agenda for Sustainable Development and the attainment of the Sustainable Development Goals contained therein, especially given the new realities of the pandemic.

42. Significant developments occurred during the period under review with regard to multilateral agreements deposited with the Secretary-General. The 2018 United Nations Convention on International Settlement Agreements Resulting from Mediation opened for signature on 7 August 2019. On 12 March 2020, the conditions for triggering its entry into force were met with the deposit of the third instrument of ratification. Advances in international environmental law were also made with the entry into force of the 2012 Amendment of the text and annexes II to IX to the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone and the addition of new annexes X and XI and the 1995 Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, on 7 October and 5 December 2019, respectively.

43. In his capacity as depositary of the International Covenant on Civil and Political Rights, the Secretary-General received, during the period under review, a significant number of notifications of states of emergency imposed in response to the COVID-19 pandemic from parties that availed themselves of their right of derogation under article 4 of the Covenant.³

44. At its fifty-second session, in 2019, the United Nations Commission on International Trade Law (UNCITRAL) adopted texts on enterprise group insolvency, on public-private partnerships and on secured transactions, and authorized for publication, including as an online reference tool, the Notes on the Main Issues of Cloud Computing Contracts prepared by the UNCITRAL secretariat. During the first part of its fifty-third session, held online from 6 to 17 July 2020, UNCITRAL authorized for publication a legal guide to uniform legal instruments in the area of international commercial contracts.

45. There were 85 legislative actions with respect to UNCITRAL texts, including three accessions to the United Nations Convention on Contracts for the International Sale of Goods, five accessions to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, fifty-two signatories to and four ratifications of the United Nations Convention on International Settlement Agreements Resulting from Mediation, one ratification of the United Nations Convention on the Assignment of Receivables in International Trade, one accession to the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea and three accessions to the United Nations Convention on the Use of Electronic Communications in International Contracts.

46. Angola, Colombia and Malta acceded to the Convention relating to the Status of Stateless Persons, while Sweden withdrew its reservations to article 8 and to paragraph 1 (b) of article 24 (along with the corresponding reservation to article 8 and to paragraph 1 (b) of article 24 of the Convention relating to the Status of

³ The complete list of depositary notifications issued can be found on the website of the United Nations Treaty Collection.

Refugees). Angola and North Macedonia acceded to the Convention on the Reduction of Statelessness.

47. In its resolution 9/1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime established a review mechanism for the Convention and its Protocols. With regard to cybercrime, the United Nations has engaged in follow-up action for the implementation of General Assembly resolution [74/247](#), which includes the establishment of an open-ended ad hoc intergovernmental committee of experts to develop an international convention on countering the use of information and communications technologies for criminal purposes.

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

48. Activities under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, including its in-person training programmes and the United Nations Audiovisual Library of International Law, an online educational resource available free of charge, continued so as to ensure access to high quality training, an important part of achieving Sustainable Development Goal 4 (quality education).

49. During the reporting period, three high quality in-person training programmes in international law for government officials and legal academics in developing countries or countries with emerging economies were conducted: the International Law Fellowship Programme, the United Nations Regional Course in International Law for Africa and the United Nations Regional Course in International Law for Asia-Pacific. Preparations for the United Nations Regional Course in International Law for Latin America and the Caribbean, which had been scheduled to begin in April 2020, were well advanced when it became clear that it could not be held owing to the pandemic. A remote self-paced learning curriculum was designed and provided to the participants as an interim means of capacity-building until the Regional Course could next be held. In line with Sustainable Development Goal 5 (gender equality), 51 per cent of the participants were women.

50. Fifty-seven lectures were added to the Audiovisual Library of International Law, including a series of lectures on core topics of international law as part of the “Miniseries” project, which is aimed at providing an overview of core topics of international law primarily intended for users with basic or limited knowledge of international law. The added lectures cover certain Sustainable Development Goals, such as Goal 13 (climate action) and Goal 16 (peace, justice and strong institutions). The number of added lectures recorded by female lecturers increased, in line with Sustainable Development Goal 5 (gender equality).

51. Owing to the pandemic, no new lectures in video format could be added to the Audiovisual Library website from 16 March 2020 onwards. Nevertheless, from that date, all new lectures were made available in audio-only format through the Audiovisual Library podcast, in line with Sustainable Development Goal 4 (quality education). Accordingly, during the reporting period, 14 lectures were made available in audio-only format, while 43 lectures were made available in both audio and video formats. By making lectures available through the podcast and posting a tutorial to the website of the Audiovisual Library explaining how to download them, access was facilitated for users in places with limited high-speed Internet.

52. Further activities included adding legal research materials to the historic archives of the Audiovisual Library in the six official languages of the United Nations, disseminating Audiovisual Library materials to academic institutions and international law societies around the world and collaborating with those institutions and societies on moot court competitions.

53. Under the UNCITRAL technical assistance and cooperation programme, more than 50 technical assistance, cooperation and capacity-building activities were held that covered such areas of international commercial law as dispute settlement, secured transactions, insolvency law, the sale of goods, electronic commerce, procurement and infrastructure development. Among them, more than 30 activities were country specific while other activities were carried out at the international, regional and subregional levels, benefiting multiple jurisdictions.

2. International and hybrid courts and tribunals

(a) International Court of Justice

54. During the period under review, the International Court of Justice maintained a high level of judicial activity. In the *Jadhav case (India v. Pakistan)*, the Court found that Pakistan, in its detention and trial of an Indian national, Mr. Jadhav, had acted in breach of its obligations under the Vienna Convention on Consular Relations and had the obligation to provide effective review and reconsideration of his conviction and sentence. In the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. the Russian Federation)*, the Court found that it had jurisdiction to entertain the claims made by Ukraine.

55. In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)* the Court indicated four provisional measures directed at Myanmar in order to protect the rights claimed by the Gambia, pending the Court's final decision in the case.

56. During the pandemic, the Court has made the necessary arrangements to continue to fulfil its mandate and adapted its working methods to the need to work remotely, including by holding its first ever online plenary meeting. At the time of drafting the present report, there were 15 cases pending before the Court.

(b) International Tribunal for the Law of the Sea and arbitral tribunals established under the United Nations Convention on the Law of the Sea

57. In May 2019, the International Tribunal for the Law of the Sea ordered provisional measures in the *Case concerning the detention of three Ukrainian naval vessels (Ukraine v. the Russian Federation)*. In July 2019, the Tribunal ordered provisional measures in *The M/T "San Padre Pio" Case (Switzerland v. Nigeria)* and in December 2019, the parties transmitted their dispute to the Tribunal. In September 2019, Mauritius and Maldives submitted their dispute concerning the delimitation of the maritime boundary in the Indian Ocean to the Tribunal.

58. Law of the sea issues were considered by arbitral tribunals constituted under the United Nations Convention on the Law of the Sea, in *The "Enrica Lexie" Incident (Italy v. India)*, the *Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen (Ukraine v. the Russian Federation)* and the *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation)*.

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

59. On 26 November 2019, Kiribati notified the Secretary-General of its accession to the Rome Statute of the International Criminal Court. On 25 September 2019, Ecuador notified the Secretary-General of its consent to be bound by the amendments to the Rome Statute on the crime of aggression. The three amendments to article 8 of the Rome Statute, on weapons which use microbial or other biological agents, or toxins; on weapons, the primary effect of which is to injure by fragments undetectable

by X-rays in the human body; and on blinding laser weapons, respectively, adopted in New York on 14 December 2017, entered into force for the first party that ratified them on 2 April 2020 (that party was Luxembourg).

60. At its 18th session, held from 2 to 7 December 2019, the Assembly of States Parties to the Rome Statute of the International Criminal Court adopted a resolution on amendments to article 8 of the Rome Statute adding the following element to the definition of war crimes for the purposes of the Statute: intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies.

61. The United Nations continued to cooperate with the International Criminal Court by providing administrative, legal and logistical support in accordance with the Relationship Agreement between the United Nations and the International Criminal Court, including 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 with and the giving of testimony by United Nations personnel.

62. The International Residual Mechanism for Criminal Tribunals delivered its review judgment in the *Ngirabatware* case on 27 September 2019, in which it decided that the appeal judgment against Mr. Ngirabatware, in which it had sentenced him to 30 years' imprisonment for direct and public incitement to commit genocide and instigating and aiding and abetting genocide, remained in force. The *Stanišić and Simatović* trial and *Mladić* appeal proceedings are ongoing. On 16 May 2020, Félicien Kabuga, who had been sought for genocide and crimes against humanity allegedly committed in Rwanda in 1994, was arrested in Paris by French authorities. The arrest was the result of a joint investigation with the Mechanism's Office of the Prosecutor.

63. The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia is seized with appellate proceedings in case 002/02 in relation to the convictions of former senior Khmer Rouge leaders Nuon Chea and Khieu Samphan for genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949. Following the passing of Nuon Chea on 4 August 2019, the Chamber terminated the appellate proceedings in his case. On 19 December 2019, in case 004/02, the Pre-Trial Chamber issued its considerations on the appeals against the closing orders in the case against Ao An. Various chambers are seized with filings by the parties concerning the status of case 004/02 in the light of the considerations. The Pre-Trial Chamber is seized with appeals against the investigative closing orders in cases 003 and 004 against Meas Muth and Yim Tith, respectively.

64. The Special Tribunal for Lebanon is expected deliver its trial judgment in the *Ayyash et al.* case in the third quarter of 2020. The case relates to the attack that killed the Prime Minister of Lebanon, Rafik Hariri, and 21 others in 2005. Four persons have been indicted and are being tried in absentia. The Tribunal is also seized with a connected case against Salim Jamil Ayyash that concerns three distinct attacks perpetrated against Marwan Hamade, George Hawi and Elias El-Murr, respectively. The Residual Special Court for Sierra Leone continues to monitor the enforcement of sentences of persons convicted by the Special Court for Sierra Leone, provide support services to protected witnesses and address requests for assistance from national authorities.

3. Other international accountability mechanisms

65. 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 contribute to the accountability process, as reflected in its fourth and fifth reports to the General Assembly ([A/74/313](#) and [A/74/699](#)). It continues to conclude sharing arrangements and to engage with different actors and

has 42 cooperation frameworks in place with State entities, international organizations and civil society actors. The Mechanism has two open case files.

66. The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) continued its efforts to become fully operational, as reflected in its third and fourth reports to the Security Council (S/2019/878 and S/2020/386, respectively). In its resolution 2490 (2019), the Security Council extended the mandate of UNITAD until 21 September 2020. UNITAD continued its work to facilitate the collection, storage and analysis of evidentiary material in line with international standards and to provide support to the Government of Iraq in pursuit of accountability. Direct support was provided to ongoing criminal proceedings in a third State concerning crimes committed in Iraq by Islamic State in Iraq and the Levant.

67. In 2019, the Secretary-General undertook further measures 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. In accordance with the terms of reference of the Independent Investigative Mechanism for Myanmar, the Secretary-General deemed that the Mechanism was operational on 30 August 2019. The Mechanism issued its first report to the Human Rights Council on 7 August 2019 (A/HRC/42/66).

III. Coordination and cohesiveness in United Nations rule of law assistance

A. Improving coordination and effectiveness of United Nations support

1. Global Focal Point for the Rule of Law

68. The Global Focal Point for the Rule of Law continued to support a coordinated and cohesive approach to United Nations rule of law assistance globally. In particular, the Global Focal Point recently adjusted the Organization's priorities in the light of the COVID-19 pandemic and has continued to implement Security Council resolution 2447 (2018) and General Assembly resolution 74/191. The Global Focal Point has ensured that international human rights law, and gender and intersectionality issues are integrated into the delivery of rule of law support. There has been a notable demand for support from the Global Focal Point and an increase in the number of surge deployments to support peace operations and United Nations country teams. Figure V summarizes some of the contributions made by the Global Focal Point to date.

Figure V

Contributions made by the Global Focal Point for the Rule of Law

The Global Focal Point for the Rule of Law supports a coordinated United Nations approach to rule of law assistance by:

REDUCING
COMPETITION 

LEVERAGING
EXPERTISE 

ENCOURAGING
INNOVATION 

Global Focal Point has operated in 24 countries during transitions, to prevent conflict and sustain peace, and in post-conflict settings.

63 experts deployed by Global Focal Point partners, missions, the Standing Police Capacity and the Justice and Corrections Standing Capacity.

55 joint assessment missions conducted in support of joint programming and planning at the national level.

In 2020, the Global Focal Point allocated \$1.2 million to the COVID-19 emergency together with the UNDP global programme.

69. In Libya, partners of the Global Focal Point helped to prioritize effective joint rule of law interventions in challenging, conflict-affected environments. In the Central African Republic, the rapid deployment of justice and security experts assisted with the development of a coherent and people-centred rule of law strategy; and in Liberia, the Global Focal Point provided support for a COVID-19 health emergency response package for detention facilities.

70. In transition contexts, the Global Focal Point has supported the implementation of the Secretary-General's policy on management and planning of peacekeeping transition processes. Support was provided in Haiti, where the United Nations Mission for Justice Support in Haiti had made significant contributions to strengthening the rule of law, such as building the capacities of the national police and the prison administration. The situation in Darfur illustrates the impact that United Nations support has on the rule of law and on sustaining peace. It includes support from the Peacebuilding Fund, innovative approaches such as the State liaison functions for advancing a responsible transition to local authorities, and support from the United Nations country team (see figure VI).

Figure VI

United Nations assistance to facilitate the transition in Darfur by strengthening the rule of law to prevent conflict and sustain peace



71. Building and sustaining peace is supported by the rule of law. The engagement of the Peacebuilding Fund has encouraged more cohesive transitional justice initiatives within the United Nations system, harnessing the comparative advantages of each entity. A recent thematic review of the support provided by the Peacebuilding Fund to 22 transitional justice initiatives in 11 countries underscores the importance of joint analysis and planning to drive a coherent and impactful approach.

2. United Nations Global Counter-Terrorism Coordination Compact

72. The United Nations Global Counter-Terrorism Coordination Compact, launched by the Secretary-General in 2018, is being operationalized and has improved coordination and coherence in the work of United Nations system entities to support States with regard to counter-terrorism. United Nations system entities as well as the International Criminal Police Organization, the World Customs Organization and the Inter-Parliamentary Union comprise the 40 signatories of the Compact. The Compact promotes an integrated implementation of the United Nations Global Counter-Terrorism Strategy, ensuring respect for human rights and the rule of law and includes

the Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism and Supporting Victims of Terrorism, which, in addition to its specific tasks, coordinates advocacy and research efforts.

3. Inter-agency coordination and cooperation in preventing and combating trafficking in persons and other coordination processes

73. The 26-member Inter-Agency Coordination Group against Trafficking in Persons continues to facilitate and improve policy coherence to prevent and combat trafficking in persons. The Group serves as an innovative model of cooperation and multilateralism with an expanding network, and works closely with related inter-agency mechanisms, including Alliance 8.7 and the United Nations Network on Migration to coordinate the Organization's support for the implementation of the Global Compact for Safe, Orderly and Regular Migration. For instance, the Group has actively supported the efforts of the Committee on the Elimination of Discrimination against Women to address trafficking in women and girls in the context of global migration.

IV. Conclusions

74. In the coming years, the United Nations will seek to improve its understanding of the changing rule of law and security landscape, adapt accordingly and strengthen support to Member States, including in areas such as climate justice, inequality, discrimination and the implications of new and emerging technologies for human rights. As corruption is often deeply ingrained in the political and socioeconomic fabric of society, efforts to combat it will inevitably be complex and aimed at the long term. The engagement of the United Nations in supporting national institutions to reinforce integrity, transparency and accountability needs to be strengthened. The special session of the General Assembly against corruption, to be held in 2021, is a unique opportunity to strengthen the Organization's capacity to support Member States. The outcome document will offer an opportunity to provide the United Nations with more solid tools to support Member States in achieving their goal of considerably reducing corruption. More generally, from an overall prevention perspective, the United Nations will continue to provide rule of law assistance and support whenever needed and in accordance with human rights standards, not least in an effort to advance Sustainable Development Goal 16. This includes opposing the application of the death penalty in all circumstances. Consequently, evidence collected by United Nations accountability mechanisms should only be shared for use in criminal proceedings where the death penalty cannot be imposed.

75. In a related development, in February 2020, the Secretary-General launched his call to action for human rights. Its goal for the United Nations, as the Organization marks its seventy-fifth anniversary, is to promote a human rights vision that is transformative, that provides solutions and that speaks directly to each and every human being. In his call to action, the Secretary-General set out some overarching guiding principles and identified seven areas in which concerted efforts were needed: rights at the core of sustainable development; rights in times of crisis; gender equality and equal rights for women; public participation and civic space; rights of future generations, in particular climate justice; collective action; and new frontiers of human rights. In each of those areas, there are specific steps that can be taken together to advance the human rights and broader rule of law agenda.

76. The COVID-19 pandemic has prompted us to reimagine the way rule of law and justice systems can work in an emergency, develop better governance models for crisis situations and advance the Sustainable Development Goals in the recovery

phase, including women's participation in developing rule of law initiatives and assistance. To better understand the impact of COVID-19, Member States are encouraged to invest in research and data on the impact of the disease on security needs, the protection of human rights and justice, including the gendered impacts of the disease, and to work with the United Nations to respond more effectively to future crises.

77. Technology bears the promise to transform the legal profession and to narrow the justice gap. Although modern justice systems of the twenty-first century need to innovate constantly to match justice services with the needs of people, in reality, often only limited budgets are available, if at all, for innovation. As regards closing the justice gap, the Secretary-General encourages Governments to continue to work with the United Nations to develop strategies, allocate sufficient resources and ensure close relationships between justice providers and the communities in which they work and live.
