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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 [75/141](#) 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 (COVID-19) 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 and international levels.

* [A/76/150](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [75/141](#), 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 report summarizes how the United Nations system has worked together to support and assist Member States, at their request, to promote the rule of law and international law. In furtherance of the Call to Action for Human Rights by the Secretary-General, the Organization has ensured that assistance promotes and protects the human rights of all people, focusing on the most vulnerable and marginalized.

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

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

1. In focus: the rule of law as the foundation of a revitalized social contract

3. The vision of the Secretary-General for a more inclusive, effective and networked multilateral world, known as “Our Common Agenda”,¹ places systems and institutions that deliver for people at the heart of global efforts to regain public trust. Trust is fundamental to reimagining the social contract, which, in turn, establishes the foundational relationship between the individual, the community and the State. Ensuring rule of law and justice systems that are responsive to people’s needs remains an important priority for the Organization.

4. As illustrated in the present report, the justice and security needs of Member States, and those of communities, reaffirmed the need to place the rule of law at the centre of a renewed social contract. However, the United Nations continues to observe situations that are lacking respect for the rule of law and colliding with principles of good governance on inclusive participation, transparency and accountability. Politicization of justice institutions and threats to their independence, attacks on national human rights institutions and the shrinking of civic spaces were observed in various parts of the world. Wanting rule of law capacities during the coronavirus disease (COVID-19) crisis have had a negative impact on State protective functions as rates of gender-based violence rose to alarming levels everywhere.

5. Furthermore, the COVID-19 pandemic exposed deep inequalities in the distribution of wealth and resources, justice and security for all, protection of human rights and delivery of basic services. These deficits have further eroded public trust, especially among young people, and have disproportionately impacted the lives and futures of women and girls. Increasing demands for justice and systemic change require urgent attention to the climate crisis, the rights of future generations, the end of gender and racial injustice, accountability for egregious crimes, curbing endemic corruption and measures to address insufficiently governed digital spaces and the use of new technology.

¹ In General Assembly resolution [75/1](#), the Declaration commemorating the seventy-fifth anniversary of the United Nations, Member States requested the Secretary-General to develop recommendations that would advance our common agenda and respond to current and future challenges.

6. United Nations rule of law assistance continues to address peace and security deficits in conflict and fragile settings and the inequities that make up most people's daily justice-related problems, including land use and ownership, employment and access to basic services and the structural inequalities that perpetuate them.

Rule of law assistance in the context of the coronavirus disease pandemic

7. The United Nations has adjusted assistance to meet changing priorities and needs, to mitigate the impact of COVID-19 on justice systems and to innovate, including on the use of technologies.² Assistance is provided to develop policy and guidance related to the COVID-19 pandemic response and recovery³ focusing on the prevention of corruption; preparedness in prisons; ensuring access to justice; and ending gender-based violence and violence against children.⁴ For instance, in order to ensure that populations in need benefit from aid provided to mitigate the effects of the COVID-19 pandemic, the United Nations in Afghanistan is helping to coordinate donor support to justice institutions and to support authorities to pursue investigations on alleged misuse and embezzlement of COVID-19 resources.

8. The COVID-19 pandemic remains a major impediment to the effective functioning of justice systems globally. Prison overcrowding in some contexts has increased as individuals deprived of their liberty, including those pending trial, faced suspended hearings and sentencings, putting them at risk of indefinite detention. In this regard, large-scale prisoner release is one of the preventative measures considered during the pandemic.⁵ Since March 2020, at least 700,000 persons have been authorized for release or considered eligible for release through emergency release mechanisms in 119 Member States.⁶

9. Awareness-raising and the use of personal protective equipment have curbed the spread of COVID-19 in prisons in the Democratic Republic of the Congo, Kosovo, Libya and Somalia.⁷ In Uzbekistan, approximately 3,000 children and adolescents (34 per cent girls) and 1,600 service providers (97 per cent female) in 31 correctional and residential care facilities across the country benefited from the delivery of 40,000 units of hygiene supplies and personal protective equipment. Through the Global Focal Point for the Rule of Law arrangement, COVID-19 mitigation resources in funds (\$1.8 million) and expertise were allocated to 16 countries, including nine peace operations.

10. The United Nations provided technical support to police services in contexts where states of emergencies were declared to ensure compliance with human rights and the rule of law. These included remote training assistance to police services in Angola, Guinea-Bissau, El Salvador, the Maldives, Sri Lanka and Zambia, including advice to improve internal police oversight in the Gambia, Haiti, Nigeria and Uganda. United Nations support is provided according to the operational guidance on COVID-19 policing preparedness and response.⁸

² See <https://www.un.org/ruleoflaw/blog/2020/05/united-nations-rule-of-law-support-in-the-context-of-covid-19-pandemic/>.

³ See www.unodc.org/unodc/en/covid-19.html.

⁴ Alliance for Child Protection in Humanitarian Action and United Nations Children's Fund, "Technical note: COVID-19 and children deprived of their liberty", 2020.

⁵ On the issue of release and decongestion, see: Inter-Agency Standing Committee, "Interim Guidance: COVID-19 – Focus on persons deprived of their liberty", March 2020.

⁶ See <https://www.unodc.org/unodc/en/covid-19.html>.

⁷ All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

⁸ See <https://police.un.org/en/unpol-covid-19-operational-guidelines>.

Box 1

Highlight: Bangladesh

In 2020, the United Nations initiated an e-justice project to help Bangladesh respond to the coronavirus disease (COVID-19) crisis. A virtual platform known as “MyCourt” was launched and within three months, the United Nations had trained over 1,000 justice actors through the platform.

Virtual hearings and digitalization of the justice system facilitated better access to justice for the population, especially in remote areas.

To decongest prisons and reduce the number of pretrial detainees, 15,000 bail hearings were completed online in three months, resulting in the release of over 10,000 inmates, which helped to reduce the prison population by 12 per cent, the highest reduction in the country’s legal history.

11. The sustainability of these remedial good practices and tools is being analysed by the United Nations and national counterparts for use after the pandemic subsides, to further improve prison conditions and increase access to justice.

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

12. The United Nations continues to support Member States’ requests for capacity-building, technical assistance and strategic reforms to institutions. Inherent to these efforts is ensuring that shorter-term mandated tasks and programming translate into sustainable impact on behavioural, structural or systemic change (see figure I).

13. The United Nations system has developed a common position on incarceration (see box 2 below)⁹ to prioritize support for the establishment of well-resourced humane prison services, the rehabilitation of offenders and a criminal justice system that offers feasible alternatives to imprisonment. The United Nations is also working with Member States to rethink modern policing to engender trust and confidence in law enforcement and the criminal justice system, including through community-oriented policing for the advancement of peaceful and prosperous societies.

Box 2

Highlight: The United Nations system common position on incarceration

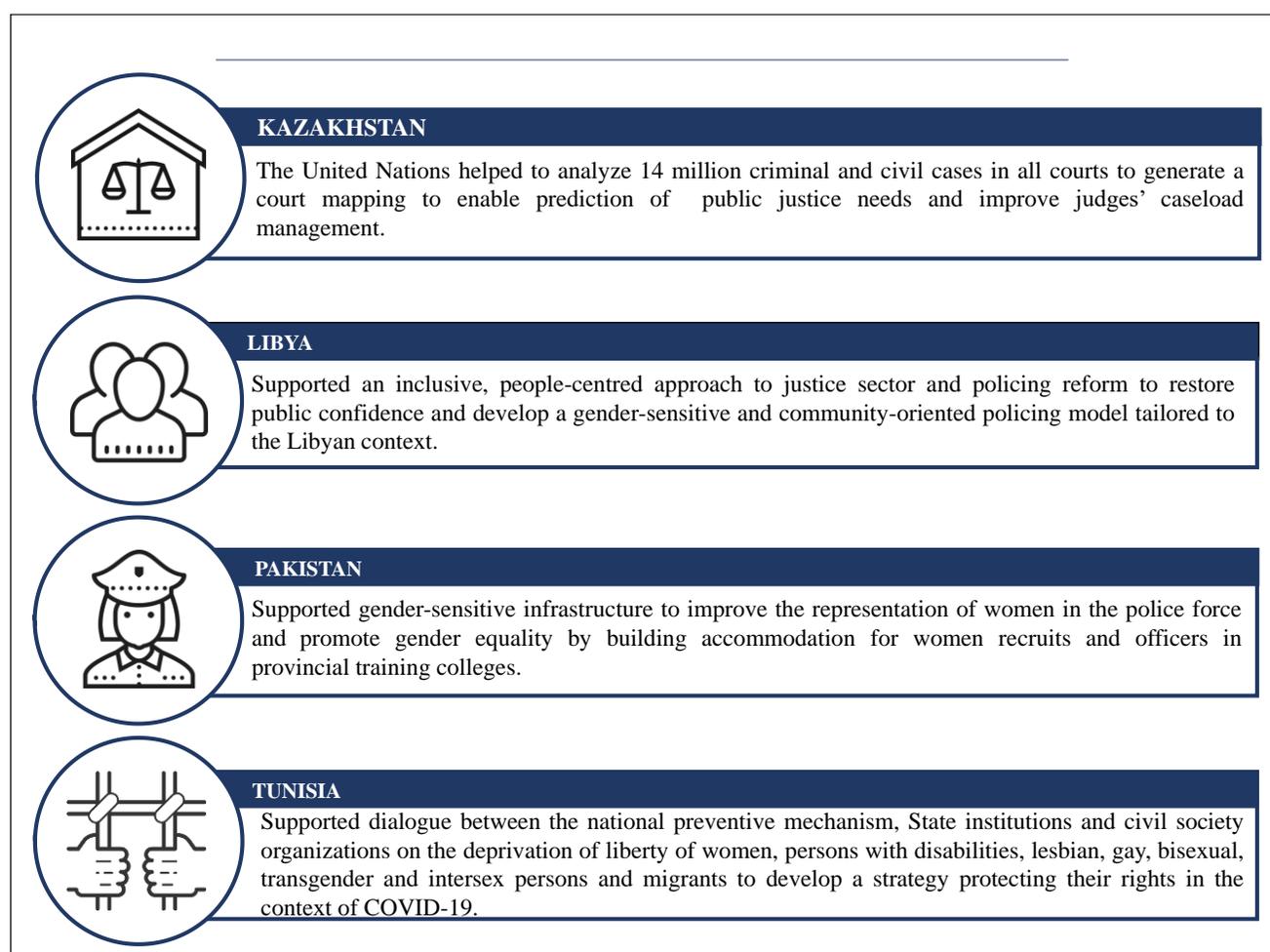
- Prison management and the treatment of offenders form an integral part of the 2030 Agenda for Sustainable Development and the United Nations commitment to “leave no one behind”.
- Rethinking the current overreliance on incarceration through holistic reform efforts, such as shifting policies towards prevention and alternatives in order to reduce prison populations and advance the rehabilitation and social reintegration of offenders.
- Integrating gender analysis and responsiveness and consideration of the effect on segments of society, including minority groups.
- Strengthening the United Nations research capacity and that of Member States to assess the effectiveness, efficiency and human rights compliance of criminal justice responses to crime.

⁹ The common position on incarceration was presented to Member States during the thirtieth session of the Commission on Crime Prevention and Criminal Justice.

14. The United Nations continues to implement its approach to prevent and counter corruption by providing a broad range of tailored technical assistance to more than 100 Member States. Support includes drafting anti-corruption policies, laws and codes of conduct; strengthening of asset declaration and whistle-blower protection systems; and advising on investigating and prosecuting corruption, including through international cooperation.

15. The ability to measure and monitor results through quality disaggregated data is an essential element of institutional reform. The Sustainable Development Goals monitoring framework¹⁰ allows the United Nations system to better understand global trends. As part of this effort, the United Nations is developing a Goal 16 survey initiative¹¹ to promote data collection in order to monitor progress and inform evidence-based policymaking at the national level in the areas of governance, access to justice, discrimination, corruption, violence and trafficking in persons.

Figure I
Examples of United Nations support to justice and security institutions



¹⁰ See <https://unstats.un.org/sdgs/indicators/database/>.

¹¹ See <https://www.sdg16hub.org/sdg-16-survey-initiative>.

3. Supporting security, crime prevention and armed violence reduction

16. The Organization continued to promote community and knowledge-based crime prevention strategies and to provide gender-sensitive and human rights-sensitive policies and legislative advice to national partners in Brazil, Kenya, Kyrgyzstan, Mexico, Peru, the Philippines, South Africa, Tajikistan, Uzbekistan and the State of Palestine.

17. In Lebanon, the United Nations initiated a hate speech monitoring system to help to implement the United Nations Strategy and Plan of Action on Hate Speech, as an early warning and conflict prevention tool. In Colombia, prevention of conflict included support to strengthen local capacities in the investigations of violence against social leaders, human rights defenders and former combatants. In Zimbabwe, the Organization supported the development of a gender policy for the police and, in Nigeria, the country's first inter-agency, multi-stakeholder security sector gender reference group was established and a gender policy for the armed forces of Nigeria was developed. The United Nations has supported the use of non-traditional approaches to crime prevention, such as sports-based life-skills training, to prevent violence and substance use disorders among youth.

18. The United Nations continued to support efforts to tackle serious organized crime, including transnational environmental crime. In non-conflict settings, more than half of all homicides are committed with a firearm – in some parts of the world, especially the Americas, up to 75 per cent.¹² In the Central African Republic, with United Nations support, legislation was passed to establish a general regime for conventional weapons as part of the control and management of arms and ammunition.

4. Advancing security and justice for populations

19. The COVID-19 pandemic has highlighted the need to re-examine the way rule of law and justice systems can work during any global crisis. To address access to justice deficits, the United Nations has helped Member States to innovate, including using digital technology in justice delivery that is respectful of due process. The United Nations also aims to ensure that women, young people and minority groups are included in decision-making with a view to building systems that prioritize people and leave no one behind.

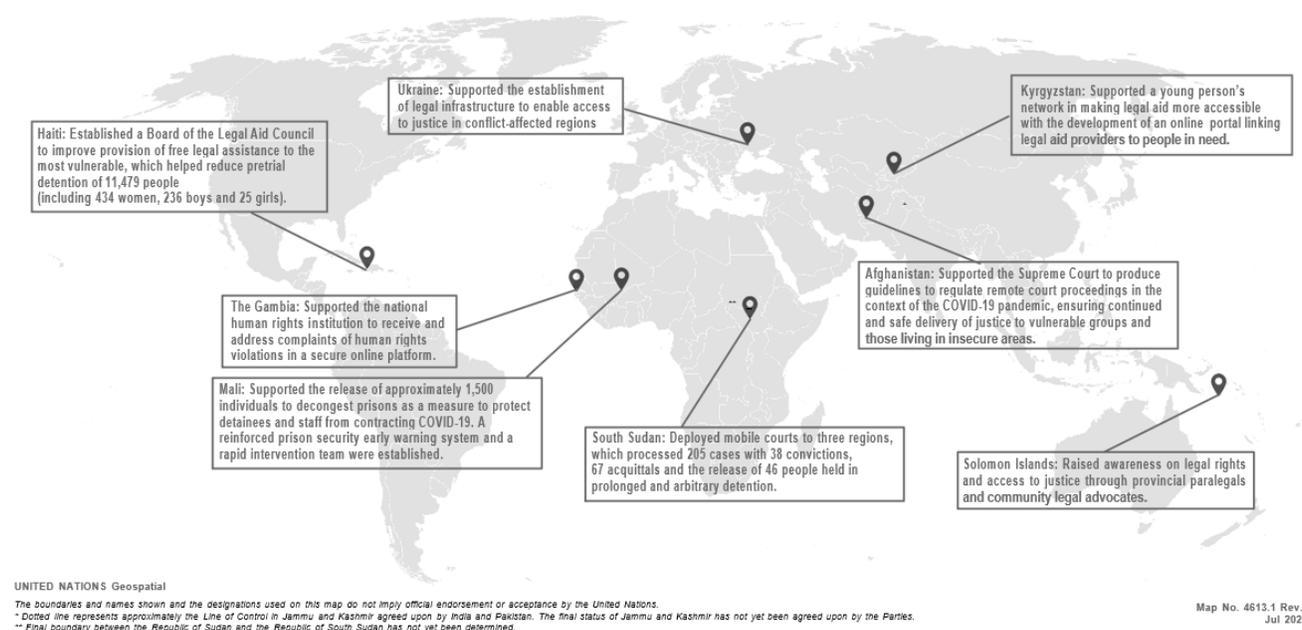
(a) Access to justice for all

20. Ensuring access to justice for all will also help to reduce the overlapping intersectional disadvantages that people face, and to address the root causes of structural inequalities, marginalization and discrimination, often based on sex, gender, race, colour, language, religion, national, ethnic or social origin, sexual orientation, displacement, marital status, age, birth or other status.

21. An integral part of efforts to strengthen the rule of law is addressing forced displacement and statelessness. In Lebanon, the United Nations has worked with municipal police and local governments to develop a legal aid system that could provide the full range of services to the most vulnerable. In Ethiopia, the United Nations has worked with local police, courts and legal aid providers to improve community security, protection and access to justice for refugee and host communities in Gambella, a region which hosts refugees from South Sudan (see figure II for more examples).

¹² United Nations Office on Drugs and Crime, *Global Study on Homicide 2019* (Vienna, 2019).

Figure II
Security and justice for populations

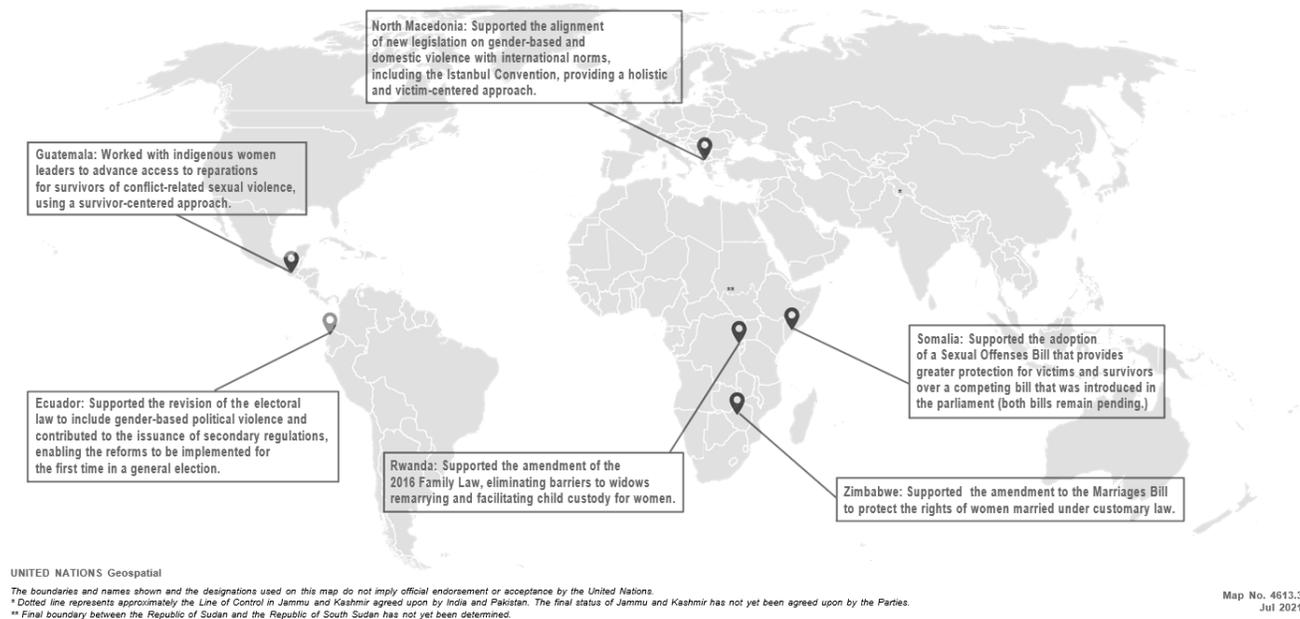


(b) Security and justice for women and girls

22. Even before the COVID-19 pandemic, for too many women, gaps have persisted between the promise of justice for all and the reality in communities, in the workplace, in public spheres and at home. Gender disparities have been more visible in areas of unemployment and access to social security, inheritance rights and ownership claims, divorce and child custody claims, protection against sexual violence and legal identity rights.

23. The United Nations system has prioritized support to dismantle discriminatory laws as part of advancing the gender equality agenda. For example, since its launch in 2017 across 27 countries of operation, the global Spotlight Initiative has helped to reform 84 laws and policies to prevent gender-based violence, increased the conviction rate of perpetrators by 22 per cent and provided 650,000 women and girls with related services. The United Nations has supported 51,485 women in 20 countries to access legal aid, through both State and non-State actors. In the Democratic Republic of the Congo, Malawi, Mozambique, Somalia and the United Republic of Tanzania, 975 traditional leaders and informal justice actors were trained on delivery of gender-responsive justice (see also figure III).

Figure III
Support for security and justice for women and girls



(c) Security and justice for children

24. Across 126 countries, the United Nations reached approximately 4.2 million children who had experienced violence, to assist with access to justice and social and health services. Global multisectoral efforts were supported to combat online child sexual abuse and exploitation; and 413,000 children in contact with the law in 87 countries received child-friendly justice services. The United Nations has called for the immediate release of all children in contact with the law who could safely return to their families; an immediate moratorium on new admissions of children to detention facilities; and a halt to arrest and detention of children for violations of curfew and related movement restriction orders. These and other targeted efforts contributed to the release of more than 11,600 children across more than 37 countries.

25. The Organization supported the development of comprehensive and sustainable prevention and response strategies for children associated with terrorist and violent extremist groups in Indonesia, Kazakhstan, Kenya, Malaysia, Maldives, Nepal, the Niger, Pakistan, the Philippines, South Africa and the United Arab Emirates.

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

26. Terrorism is another challenge that remains. The political and socioeconomic fallout from the pandemic could also fuel the threat of terrorism in the midterm to long-term by exacerbating underlying conditions and making more people susceptible to terrorist radicalization and recruitment. While progress has been made, terrorism is increasing in places that lack effective security arrangements and the capacity to address social and other root causes. Continued cooperation is therefore needed to prevent and counter terrorism, including new forms thereof, while upholding the core values of the Organization, notably human rights and fundamental freedoms. This requires a redoubling of collective efforts to counter the root causes of terrorism.

27. From a rule of law perspective, overly broad or imprecise definitions of terrorism in domestic law could be exploited to restrict civic space and basic freedoms. The lack of accountability for sexual and gender-based violence perpetrated by members of terrorist groups, including the use of counter-terrorism legislation without reference to sexual violence remains a persistent issue where it occurs.

28. The Organization provided support for the rehabilitation of women formerly associated with terrorist and extremist groups and the inclusion of women-led organizations in the drafting and monitoring of national action plans to counter violent extremism in countries such as Indonesia, Kenya, Libya, Mozambique, Nigeria, the Philippines, Sri Lanka and the Sudan, as well as support to community-based initiatives for early warning and prevention. The Organization helped develop guidance for policymakers and practitioners in Central Asia on the use of sport to engage youth and disrupt radicalization processes.

29. A number of affected States have yet to develop or implement comprehensive and tailored prosecution, rehabilitation and reintegration strategies to address the evolving threat posed by terrorism, including by foreign terrorist fighters, as required by Security Council resolutions [2178 \(2014\)](#) and [2396 \(2017\)](#). This is often owing to the lack of collaboration between criminal justice and social and welfare actors to ensure that rehabilitation and reintegration measures, which are gender responsive and age-appropriate, are available. Also absent are public consultations that include, in particular, communities most affected by terrorism.

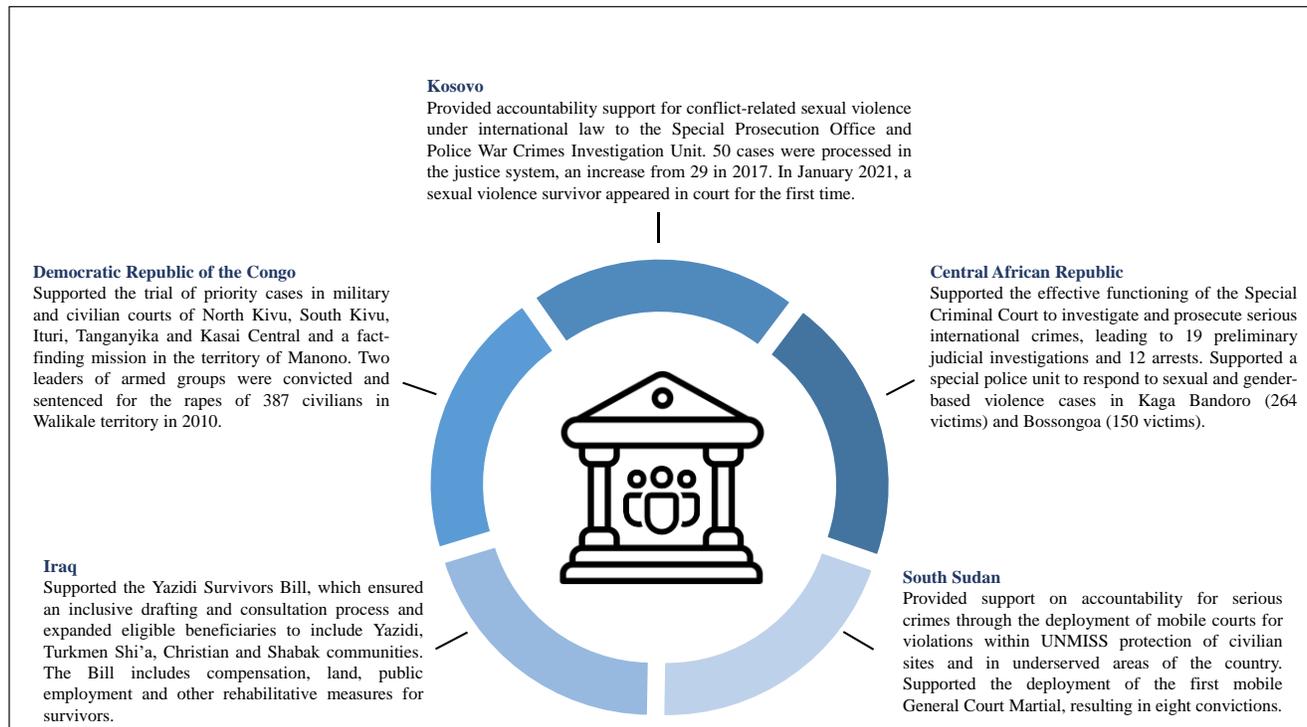
6. Accountability

(a) Accountability for serious crimes under international law

30. In the face of persistent and widespread impunity, the United Nations continues to support domestic efforts to ensure accountability for serious human rights violations and international crimes. Accountability and broader transitional justice processes facilitate victim-centred transitions enabling inclusive and lasting political solutions. However, Member States should accelerate efforts to realize long-delayed justice for victims and survivors. In Guinea, for example, the Organization continued to support authorities to organize national trials for the events of 28 September 2009 at the Conakry stadium and for Guinea to meet its obligations, in line with the United Nations Joint Communiqué to fight impunity for sexual violence signed in 2011.

31. The Security Council has continued to mandate that peace operations assist host countries in the development of national capacities to investigate and prosecute international and other serious crimes that fuel conflicts, including sexual and gender-based crimes, terrorism and transnational organized crime (some examples are set out in figure IV).

Figure IV
Examples of United Nations support for accountability



(b) Accountability for crimes committed against United Nations peacekeepers

32. Since 1948, 1,069 United Nations personnel serving in peacekeeping operations and special political missions have died as a result of malicious acts, including 288 since 2013. The United Nations has conducted extensive consultations to generate political and operational support to bring perpetrators to justice and issued the first standard operating procedures on the prevention, investigation and prosecution of serious crimes against United Nations personnel in peacekeeping operations and special political missions.

33. There was progress in the Central African Republic, the Democratic Republic of the Congo and Mali, where most of these fatalities have occurred since 2013. In March 2021, a court in Mali convicted nine individuals (eight in absentia) for attacks committed against United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) personnel in 2015, including the killing of a peacekeeper.

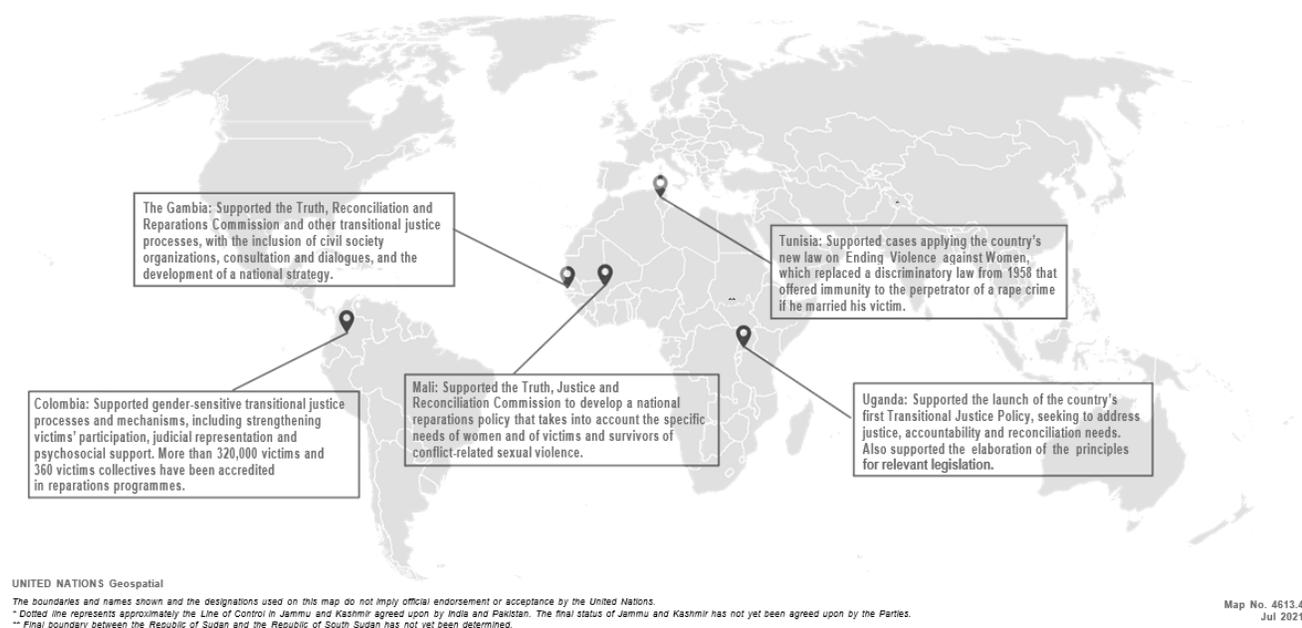
34. In December 2020, the Permanent Military Court of Lebanon sentenced to 15 years' imprisonment an individual who kidnapped and killed two peacekeepers from the United Nations Interim Force in Lebanon (UNIFIL) and caused serious injury to another in 1980. In March 2021, another individual was sentenced to 15 years' imprisonment for his involvement in a terrorist attack in July 2011 against a UNIFIL convoy that caused injuries to five peacekeepers.

35. Challenges remain as these crimes are often committed in areas where State authority may be limited and are often compounded by the limited capacity of national institutions to effectively investigate and prosecute these cases.

(c) Supporting inclusive transitional justice processes

36. Transitional justice often provides opportunities for societies to re-examine legal and institutional frameworks that historically discriminate and marginalize and that fail to protect the rights of all people. For example, the reform of laws that discriminate against women, girls and lesbian, gay, bisexual, transgender and intersex persons is an important way to guarantee non-repetition of sexual and gender-based violations experienced during conflict or under an authoritarian regime, along with a sufficiently resourced, comprehensive reparations programme, figure V illustrates instances of such support.

Figure V
Supporting inclusive transitional justice



37. In 2020, the Peacebuilding Fund commissioned a thematic review of its support to transitional justice between 2014 to 2018, which allocated approximately \$40 million to nine United Nations entities and three civil society organizations in 11 countries. In the review, the following points were emphasized: the importance of investing in inclusive consultations to determine the way transitional justice mechanisms are shaped in different contexts; the importance of investing in change agents who might get overlooked in top-down approaches, especially young people; and the need for long-term, comprehensive and inclusive approaches, and enhancing the role of women as leaders and change agents. The United Nations has also produced the report entitled *From Justice for the Past to Peace and Inclusion for the Future: a Development Approach to Transitional Justice* on support for transitional justice, highlighting an integrated approach that advances sustained peace and providing good practices in reparations programmes, in promoting resilience and social cohesion and institutional transformation.

7. Supporting constitution-making

38. The Organization supported the design and conduct of inclusive and participatory constitutional reform processes at the request of Member States to

ensure respect for fundamental human rights and the rule of law, in particular in legal and justice systems and other institutions.

39. For instance, work in this area included support to the National Constitutional Amendment Committee for legislation review for consistency with constitutional provisions in South Sudan. In Syria, the United Nations continued to facilitate the work of the Syrian-led and Syrian-owned Constitutional Committee, in line with Security Council resolution 2254 (2015). Similarly, the United Nations provided support to Libyan stakeholders in the negotiation and agreement of the constitutional basis for the elections planned for December 2021. In Chile, the United Nations supported greater inclusion and citizen participation in the constitutional reform process, targeting women and indigenous communities. In Kosovo, the Constitution was amended to reflect the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

B. Strengthening the administration of justice within the Organization

40. 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 2021, the United Nations Dispute Tribunal had issued 2,104 judgments and the United Nations Appeals Tribunal had issued 1,118 judgments.

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

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

41. During the seventy-fifth session of the General Assembly, the Sixth Committee considered the agenda items entitled “Crimes against humanity”, “Protection of persons in the event of disasters”, “Expulsion of aliens” and “Responsibility of international organizations”, which were related to the codification and progressive development of international law, on the basis of the articles completed by the International Law Commission in 2019, 2016, 2014 and 2011, respectively.

42. As a result of the postponement of the seventy-second session of the International Law Commission to 2021, pursuant to Assembly decisions 74/545 of 2 April 2020, 74/559 of 23 June 2020 and 74/566 of 12 August 2020, the Sixth Committee had no report of the Commission before it during its seventy-fifth session. Instead, on 5 November 2020, pursuant to decision 74/566, the Committee received an informal briefing on the activities of the Commission by the Chair-designate of the Commission for the seventy-second session and by the Secretariat. In its resolution 75/135 of 15 December 2020 adopted on the recommendation of the Sixth Committee, the Assembly took note once more of the report of the Commission at its seventy-first session, while deciding that the postponed seventy-second session of the Commission shall be held at the United Nations Office at Geneva from 26 April to 4 June and from 5 July to 6 August 2021. The following substantive topics were on the programme of work of the Commission for that session: (a) Immunity of State officials from foreign criminal jurisdiction; (b) Provisional application of treaties; (c) Protection of atmosphere; (d) Succession of States in respect of State responsibility; (e) General principles of law; and, (f) Sea-level rise in relation to international law.¹³

¹³ For further information on the programme of work of the seventy-second session of the International Law Commission, please see <https://legal.un.org/ilc/sessions/72/>.

43. The Sixth Committee celebrated “International Law Day” on 26 October 2020 to mark the seventy-fifth anniversary of the United Nations, under the theme “The UN@75: international law and the future we want”.¹⁴

44. With respect to the law of the sea, the number of parties to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 increased to 151.

45. Given the postponement, owing to the COVID-19 pandemic (General Assembly decision 74/543), of the fourth session of 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, the President of the Conference decided to hold intersessional work from September 2020 to continue the dialogue on the elements of the package and cross-cutting issues. The General Assembly, in its decision 75/570 of 22 June 2021, decided to further postpone the fourth session of the Conference to the earliest possible available date in 2022, preferably during the first half of the year.

46. Capacity-building in ocean affairs and the law of the sea is critical to the effective implementation and further development of international legal and institutional frameworks for oceans, as set out in the United Nations Convention on the Law of the Sea and its implementing agreements, as well as related instruments. The Office of Legal Affairs, through its Division for Ocean Affairs and the Law of the Sea, continues to provide targeted, demand- and needs-driven assistance to States, in particular to developing States, to promote wider acceptance, uniform and consistent application and effective implementation of these important instruments. Assistance was provided through programmes implemented at all levels, supported by a wide range of partners. As a result of the pandemic, capacity-building activities were adapted to ensure continued delivery through online training sessions.

47. During the period under review, significant developments occurred with regard to multilateral agreements deposited with the Secretary-General. First, two new agreements in the field of the protection of the environment entered into force. The Doha Amendment to the Kyoto Protocol garnered acceptances from the necessary three fourths of the Parties to the Kyoto Protocol to the United Nations Framework Convention on Climate Change to enter into force on 31 December 2020. In addition, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú Agreement, entered into force on 22 April 2021. This is the first treaty to include specific provisions for the protection and promotion of human rights defenders in environmental matters. Second, in the area of disarmament, the Treaty on the Prohibition of Nuclear Weapons entered into force on 22 January 2021 following the deposit of 50 instruments of consent to be bound with the Secretary-General. Finally, with respect to international trade, the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific entered into force on 20 February 2021.

48. 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

¹⁴ See <http://webtv.un.org/watch/international-law-day-2020-the-un-at-75-international-law-and-the-future-we-want/6204771666001/>

pandemic from parties that availed themselves of their right of derogation under article 4 of the Covenant.¹⁵

49. At its fifty-third session, in 2020, the United Nations Commission on International Trade Law (UNCITRAL) approved for publication the Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts (with a focus on sales), prepared jointly by UNCITRAL, the Hague Conference on Private International Law International and the International Institute for the Unification of Private Law. At its fifty-fourth session, in 2021, UNCITRAL is expected to finalize and adopt several legislative texts concerning mediation, arbitration and micro, small and medium-sized enterprises (such as the draft legislative guide on an UNCITRAL limited liability organization and the draft recommendations on a simplified insolvency regime).

50. There were 33 legislative actions with respect to UNCITRAL texts, including one accession to the United Nations Convention on Contracts for the International Sale of Goods, six accessions to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, two ratifications of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration, one signatory to and two ratifications of the United Nations Convention on International Settlement Agreements Resulting from Mediation, one accession to the United Nations Convention on the Carriage of Goods by Sea, 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.

51. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime held its tenth session in Vienna from 12 to 16 October 2020, which marked the twentieth anniversary of the adoption and opening for signature of the Convention. The Conference resulted in the adoption of seven resolutions, including the resolution on the launch of the review process of the Mechanism of the Review for Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (resolution 10/1).

52. Iceland acceded to the Convention relating to the Status of Stateless Persons, while Bulgaria withdrew its reservation to article 31 of the Convention. Iceland acceded to the Convention on the Reduction of Statelessness.

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

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

54. During the reporting period, the in-person training programmes in international law for government officials and legal academics in developing countries and countries with emerging economies could not be held owing to the pandemic. A remote self-paced learning curriculum was designed and provided to all applicants as an interim means of capacity-building until the in-person programmes could resume. Additionally, online interactive regional workshops were conducted for applicants to the Regional Course in International Law for Africa and for Latin America and the Caribbean on topics of interest in their respective regions. Finally, with a view to

¹⁵ The complete list of depositary notifications issued can be found on the website of the United Nations Treaty Collection.

supporting the continuing education of alumni of the training programmes, a pilot project was developed and interactive webinars were conducted for them.

55. Lectures were added to the Lecture Series of the Audiovisual Library of International Law, including a lecture in English, French and Spanish in commemoration of the seventy-fifth anniversary of the Organization. Introductory notes and procedural histories were added to the Audiovisual Library of International Law Historic Archives. The added materials cover Sustainable Development Goal 3 (good health and well-being), Goal 13 (climate action), Goal 14 (life below water) and Goal 16 (peace, justice and strong institutions). Furthermore, the moot court competitions section under the Research Library continued to be enhanced by adding materials for seven moot court competitions. Audiovisual Library of International Law materials were disseminated through the *Journal of the United Nations*, social media and specialized international law blogs.

56. As a response to the COVID-19 pandemic, UNCITRAL requested the Secretariat to organize a series of online panels during its fifty-third session to discuss the connection between the work of UNCITRAL and the economic consequences of the COVID-19 pandemic. It was observed that many of the legislative tools developed by UNCITRAL could play an important role in assisting States to mitigate the effects of the measures required to control the pandemic, as well as in their economic recovery efforts. At its fifty-fourth session, in 2021, UNCITRAL is expected to take note of a four-fold increase in the numbers of government officials, judges, adjudicators, academics and legal practitioners reached through the Secretariat's awareness-raising, technical assistance and capacity-building activities since 2018 (from approximately 6,000 to approximately 24,000 per annum in 2020–2021), a positive impact of moving these activities online in the light of the COVID-19 pandemic. Those activities covered such areas of electronic commerce, procurement and infrastructure development.

(c) International and hybrid courts and tribunals

International Court of Justice

57. During the period under review, the International Court of Justice maintained a high level of judicial activity despite the challenges posed by the COVID-19 pandemic. In two cases brought by some States against Qatar, the Court found that the Council of the International Civil Aviation Organization had jurisdiction to entertain the claims by Qatar regarding alleged violations of the States concerned under the Convention on International Civil Aviation and the International Air Services Transit Agreement.

58. In the *Equatorial Guinea v. France* proceedings, the Court assessed the circumstances under which a property acquires the status of “premises of the mission” under article 1 (i) of the Vienna Convention on Diplomatic Relations and found that France had not breached its obligations under that treaty.

59. In the *Guyana v. Venezuela* case and the case concerning alleged violations of the 1955 *Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*, the Court held that it had jurisdiction. In the case concerning *Qatar v. United Arab Emirates*, the Court decided that it did not have jurisdiction to entertain the application filed by Qatar.

60. Despite the COVID-19 pandemic, the Court continued to fulfil its mandate through the use of modern technologies, including holding hearings in a hybrid format. As of the time of drafting this report, there were 14 cases pending before the Court, with 2 currently being heard or under deliberation.

International Tribunal for the Law of the Sea and arbitral tribunals established pursuant to the United Nations Convention on the Law of the Sea

61. In September 2020, the International Tribunal for the Law of the Sea ordered the composition of a Special Chamber in the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*. In January 2021, the Special Chamber delivered its judgment on preliminary objections raised by the Maldives and found that it had jurisdiction to adjudicate the dispute.

62. Law of the sea issues were considered by arbitral tribunals constituted under the Convention in 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. Russian Federation)*. The Award in *The “Enrica Lexie” Incident (Italy v. India)* was published in August 2020.

International Criminal Court and other international courts and tribunals

63. The past year was marked by changes in the composition of the International Criminal Court. At the resumed and second resumed nineteenth session of the Assembly of States Parties, respectively, the Assembly elected six judges for a term of nine years, as well as the next Prosecutor.

64. 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 testimonies by United Nations personnel.

65. The year 2020 marked the tenth anniversary of the adoption by the Security Council of resolution 1966 (2010) which created the International Residual Mechanism for Criminal Tribunals to carry out a number of essential functions of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. On 22 October 2020, at its branch in Arusha, United Republic of Tanzania, the trial in the *Turinabo et al.* contempt case commenced. Following the death of Mr. Turinabo, contempt proceedings against him were terminated, while the judgment against the remaining accused parties was delivered on 25 June 2021, convicting Mr. Augustin Ngirabatware, Mr. Anselme Nzabonimpa, Mr. Jean de Dieu Ndagijimana and Ms. Marie Rose Fatuma of contempt. At its branch in The Hague, pretrial proceedings commenced in the *Kabuga* case. The appeal judgement in the *Mladić* case was delivered on 8 June 2021, in which the Appeals Chamber affirmed Mr. Mladić’s conviction of genocide, crimes against humanity and violations of the laws or customs of war, as well as the sentence of life imprisonment imposed on him by the Trial Chamber. The judgement in the *Stanišić* and *Simatović* retrial case was delivered on 30 June 2021, in which the Trial Chamber convicted Mr. Stanišić and Mr. Simatović for aiding and abetting crimes against humanity and violations of the laws or customs of war.

66. 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 conviction of former senior Khmer Rouge leader Khieu Samphan for genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions. On 10 August 2020, the Supreme Court Chamber terminated case 004/02 against Ao An, holding that the Pre-Trial Chamber’s unanimous finding of 19 December 2019 meant that neither closing order of the Co-investigating judges was valid. The Co-investigating judges

sealed and archived the case file on 14 August 2020, concluding the proceedings in case 004/02. On 7 April 2021, the Pre-Trial Chamber filed its considerations on the appeals against the closing orders against Meas Muth in case 003, leading to additional filings by the Parties. The Pre-Trial Chamber remains seized with appeals against the investigative closing orders in Case 004 against Yim Tith.

67. On 18 August 2020, the Trial Chamber of the Special Tribunal for Lebanon convicted Mr. Salim Jamil Ayyash in relation to the 14 February 2005 attack in Beirut that killed former Lebanese Prime Minister Rafik Hariri and 21 others, and injured 226 people. The other three persons accused, Mr. Hassan Habib Merhi, Mr. Hussein Hassan Oneissi and Mr. Assad Hassan Sabra, were found not guilty. The Trial Chamber subsequently sentenced Mr. Ayyash to five concurrent sentences of life imprisonment. The Trial Chamber cancelled the commencement of a connected case against Mr. Ayyash, which concerns three distinct attacks perpetrated against Marwan Hamade, George Hawi and Elias El-Murr, respectively, due to financial constraints. 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.

Other international accountability mechanisms

68. 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 sixth and seventh reports to the General Assembly ([A/75/311](#) and [A/75/743](#)). During the period, it continued to expand its central repository of information and evidence, as well as to conclude cooperative frameworks in support of the implementation of its mandate. The Mechanism has assisted in 36 distinct national investigations to date.

69. The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) continued to contribute towards ensuring the accountability of Islamic State in Iraq and the Levant (Da'esh) members for their crimes in Iraq, as reflected in its fifth and sixth reports to the Security Council ([S/2020/1107](#) and [S/2021/419](#)). In its resolution [2544 \(2020\)](#), the Security Council extended the mandate of UNITAD until 18 September 2021. 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.

70. The Independent Investigative Mechanism for Myanmar continued to ramp up its operations and activities, as reflected in its second report to the Human Rights Council ([A/HRC/45/60](#)). The Mechanism developed the necessary infrastructure to support its mandated activities and also expanded its efforts to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011. In its resolution [43/26](#), the Council called for the close and timely cooperation between the Mechanism and any future investigations by national, regional or international courts or tribunals.

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

Improving coordination and effectiveness of United Nations support

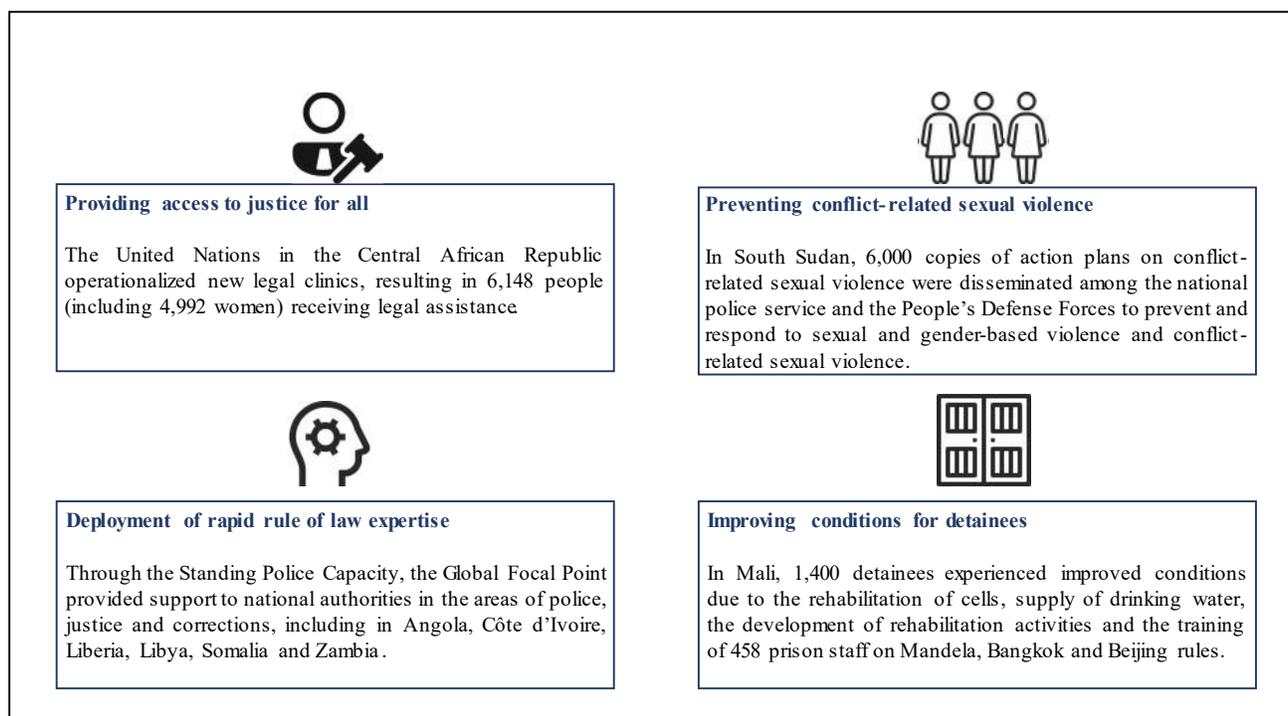
1. Global Focal Point on the rule of law

71. The Global Focal Point for the Rule of Law continued to support coordination and coherence in United Nations planning, analyses and engagement in joint rule of law efforts in conflict-affected contexts, including to mitigate the impact of COVID-19. The Global Focal Point prioritized gender mainstreaming and a human rights-based approach and provided support in line with the emphasis of the Secretary-General on prevention and sustaining peace, as well as Security Council resolution 2447 (2018). The Global Focal Point has supported national rule of law institutions' responses to the COVID-19 crisis in more than 16 conflict and transition settings, identified opportunities for increased collaboration among United Nations entities and provided expertise and seed funding to strengthen joint approaches.

72. For instance, in the Central African Republic, early support for the United Nations presence enabled the implementation of a multisectoral strategy and a COVID-19 contingency plan for the prison system. Authorities received assistance in developing their emergency strategic plan to address the pandemic, as well as in raising awareness and procuring a wide-ranging supply of personal protective equipment for military, police and gendarmerie. In the Darfur region of the Sudan, the Global Focal Point supported the prison system to prevent and address COVID-19 cases, including by improving health screening and overall conditions benefiting approximately 8,000 inmates, personnel and other stakeholders. See figure VI for more examples.

Figure VI

Examples of joint rule of law support provided by the Global Focal Point for the rule of law



2. United Nations Global Counter-Terrorism Coordination Compact

73. The United Nations Global Counter-Terrorism Coordination Compact continued to advance coordination and coherence within the Organization on issues related to counter-terrorism. The Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism and Supporting the Victims of Terrorism developed model legal provisions on victims of terrorism through consultations and is producing guidance on the human rights-compliant use of artificial intelligence in counter terrorism. The Organization has launched a systemwide meta-synthesis of evaluations across Counter-Terrorism Compact entities for capacity-building under the United Nations Global Counter-Terrorism Strategy.

3. Inter-agency coordination and cooperation in preventing and combatting trafficking in persons

74. Through the Inter-Agency Coordination Group against Trafficking in Persons, the Organization continued to implement a holistic approach in addressing trafficking in persons by providing coordinated policy outputs on key substantive issues and leveraging expertise and comparative advantages across a broad network of thematic specialists.

75. In 2020, the twentieth anniversary of the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was marked, as well as the tenth anniversary of the adoption of the United Nations Global Plan of Action to Combat Trafficking in Persons. In this context, a joint analytical review on the global state of affairs in anti-trafficking responses concluded that trafficking in persons remains endemic despite sustained effort on the part of the international community and called for States to urgently address six thematic priorities. A joint action plan outlined coordinated follow-up actions supporting States to eradicate the crime in line with the 2030 Agenda for Sustainable Development.

IV. Conclusions and observations

76. There are several possibilities and opportunities to transform and achieve the world that people want. Within the framework of “Our Common Agenda”, the United Nations rule of law assistance will play a pivotal role in regaining trust in institutions, including by continuing to respond to the devastating effects of the COVID-19 pandemic, addressing root causes and drivers of conflict and supporting compliance with international law. This will be achieved by promoting gender equality, advancing climate justice and addressing digital transformation challenges. The Organization’s overall support also aims at accelerating the achievement of the 2030 Agenda.

77. In responding to the Call to Action for Human Rights of the Secretary-General, the United Nations continues to promote respect for human rights and the rule of law as central to addressing the pressing issues facing the world today. The COVID-19 pandemic has underscored the timeliness of the Call to Action as a tool to steer our collective efforts to create a future for our world that is rooted in a renewed commitment to protect the human rights of all everywhere.

78. The Organization will enhance its capacities to improve the lives of people using all available means, such as the Data Strategy of the Secretary-General for Action by Everyone, Everywhere, the Secretary-General’s Guidance Note on Behavioural Science, engaging in strategic foresight and using our innovation infrastructure. Through our rule of law support at the national and international levels and our commitment to innovate and deepen cooperation and partnership, the United Nations and its partners will foster a global rule of law culture to help address historical and

inter-generational inequalities and injustices. The support and commitment of Member States in achieving these goals will continue to be essential.

79. As requested in General Assembly resolution [75/141](#), the Sixth Committee may wish to consider as a sub-topic for the seventy-sixth session, the following: “Promoting a people-centred rule of law at the national and international levels as the foundation of our common agenda”.
