



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

## Human Rights 75

# JUSTICE

### — INTRODUCTION

The Universal Declaration on Human Rights (UDHR) was a momentous step forward in recognizing the human rights that everyone has. After the Universal Declaration came a series of treaties that set legal obligations on States to respect, protect and fulfil those rights. International courts, tribunals and other bodies have advanced the hope of justice for people when these rights have been violated. In the context of the 75th anniversary of the UDHR, the purpose of this note is to illustrate how, in the spirit of the UDHR, these international bodies have helped people find justice.

### — TREATY BODIES

The international human rights treaty system comprises nine core treaties. Each treaty establishes a committee of independent experts (treaty body) to review treaty implementation by States that have ratified these treaties. Treaty bodies meet with all States parties and discuss treaty implementation and make recommendations. Most treaty bodies can receive complaints from individuals who claim breaches of their rights. Treaty bodies consider these complaints and publish their views on whether a State has breached a right. One treaty body can request a State to take immediate action to search for and locate a disappeared person, and to provide information on the situation. An additional treaty body undertakes visits to places of detention to prevent torture and ill-treatment.

### Treaty bodies helping people find justice

- Argentina **issued a public apology for failing to protect an indigenous girl who had been raped** in her village, also providing her with an education grant and a house for her family after a decision of the Human Rights Committee.
- **Imprisoned human rights defenders were released** in Azerbaijan after being mentioned in concluding observations.
- A **victim of domestic violence** in Argentina **received full reparation, including a public apology**, as a result of a friendly settlement initiated following a complaint filed with CEDAW.
- Following several decisions by the Committee on the Rights of the Child, **15 children born in Spain to migrants in an irregular situation were admitted to primary school** after years claiming their rights at the national level. The decisions benefited 100 children in a similar situation.
- Treaty body recommendations supported the abolition of the **death penalty** in **Benin** and the decriminalization of **defamation** in **Rwanda**.
- **Ireland** modified its legislation to decriminalize **abortion** under certain circumstances, following two

decisions and recommendations of the Human Rights Committee.

- **Peru** recognized the **legal capacity of persons with disabilities**, removing barriers to their full participation in society after a recommendation by the Committee on the Rights of Persons with Disabilities.
- **16 children in five States have paved the way for climate justice** through a vindication of their claim about the adverse effects of carbon emissions on child rights by the Committee on the Rights of the Child.
- The Human Rights Committee identified **the failure of Italy in responding promptly to distress calls from the sinking boat**, which was carrying more than 400 migrants, including children, even though the events occurred in international waters.
- The Committee against Torture played a role in advocating for **accountability of Hissène Habré**, who was convicted in 2016 for crimes against humanity and other crimes as ruler of Chad from 1982 to 1990.
- As of 2023, the urgent action procedure of the Committee on Enforced Disappearances made it possible to **locate** 469 disappeared persons, including 442 alive.

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## SPECIAL PROCEDURES

The special procedures are independent human rights experts appointed by the UN Human Rights Council. They take the form of a working group or an individual independent expert or special rapporteur. They gather facts, report, and advise on human rights from a thematic

or country-specific perspective. One of the important tasks of the special procedures is to respond to individual cases of reported human rights violations by raising concerns with States and others. Actions by special procedures have contributed to addressing people's justice concerns.

### Special procedures helping people find justice

- Several States, including **Albania, Algeria, Burundi, Chile, Egypt, Iran, Mali, Mauritania, Mexico, Saudi Arabia and Tanzania**, released individuals from prison, including journalists, human rights defenders and others, following communications from special procedures.
- The court **ended the detention of a mayor** just days after the Working Group on Arbitrary Detention sent its opinion to the Bolivian Government, declaring his detention arbitrary and in violation of fundamental human rights.
- Communications by the Special Rapporteur on extrajudicial, summary or arbitrary executions since 2015 contributed to Saudi Arabia's **release of two individuals sentenced to death** for crimes allegedly committed when they were under the age of 18.
- Repeated communications by special procedures contributed to **the prohibition by the Supreme Court of Pakistan of the execution of death sentences against persons with mental illness**.
- **An indigenous human rights defender tried for defending the land rights of his community was acquitted in Guatemala** following the international attention drawn by the visit of the Special Rapporteur on the rights of indigenous peoples.
- The opinion of the Working Group on Arbitrary Detention played an important role in **the recognition by the Supreme Court of Korea of conscientious objection as a valid ground for refusing military service** and the subsequent **release of two persons** sentenced to imprisonment.
- A joint communication of special procedures **prevented the extradition of a refugee and former member of Bahrain's national football team** from Thailand.
- The Bahamas **halted the planned forced eviction of 2,000 persons of Haitian origin during the COVID-19 pandemic** in 2021 following an urgent appeal sent by the Special Rapporteur on the right to adequate housing.
- Advocacy by various special procedures for the decriminalization of abortion supported Argentina's **legalization of abortion in the first 14 weeks of pregnancy** and the Republic of Korea's **decriminalization of abortion**.
- Following advocacy by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, alongside other special procedures, the Government of Gambia **rejected a decision to grant amnesty to Sanna Sabally**, who is accused of serious human rights violations during the country's dictatorship.

## THE UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The ultimate goal of this process is to improve the human rights situation in all countries and to address human rights violations wherever they occur. Each State receives recommendations from other States and then commits to implementing those it accepts. While the UPR does not deal with individual cases, implementation of UPR recommendations often opens up new paths to justice for people, for example, through law reform or the strengthening of justice institutions.

Photos by OHCHR



### UPR supporting justice in Sierra Leone

On 23 July 2021, a group of women sat expectantly in the audience of the Parliament of Sierra Leone, to witness a decision that changed their lives. It was the day lawmakers voted unanimously to abolish capital punishment.

*"To see the death penalty abolished, I am so happy,"* said one of the women in the audience.

Others called the decision historic, saying it would help women find the courage to get out of prison as well as happiness for those women who had their death sentences now commuted to life imprisonment. The women were all former prisoners on death row, whose cases had been supported by AdvocAid, a Sierra Leonean NGO that provides legal aid to women in detention.

The abolition of the death penalty in Sierra Leone has been the result of decades of work from NGOs like AdvocAid, as well as the country's human rights commission. It was aided by the continuous recommendations from the UPR.



## INTERNATIONAL COMMISSIONS OF INQUIRY (COI) AND FACT-FINDING MISSIONS (FFM) ON INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

International commissions of inquiry (COIs) and fact-finding missions (FFMs) are key tools in the United Nations response to situations of violations of international human rights law and international humanitarian law, including international crimes. Investigations into international human rights violations have furnished crucial elements to judicial procedures. They have extensively explored the root causes of violence and violations, leading to the activation of national bodies to seek truth, justice, remedies and reparations, as well as guarantees that the same violations will not occur again.

They play a core role in giving voice to victims and their families by publishing the wrongs suffered. They increasingly play a part in advancing accountability efforts for those responsible for international human rights violations and international crimes. The work and findings of COIs and FFMs have contributed to domestic and international accountability efforts, and the recent surge of cases in national courts to hold people accountable for international crimes under the principle of universal jurisdiction.

### *COIs/FFMs and the fight against impunity*

- The Higher Regional Court of Koblenz in Germany rendered a verdict on 13 January 2022 against a Syrian intelligence officer for the crimes against humanity of killing, torture, severe deprivation of liberty, rape and sexual assault sentencing him to life imprisonment. Three reports prepared by the Independent International Commission of Inquiry on the Syrian Arab Republic, established in 2011 by the Human Rights Council to document violations of international law in Syria, were read into evidence.
- The FFM-Myanmar report led to a case brought by The Gambia against Myanmar before the International Court of Justice (ICJ) for failure to comply with its obligations under the Genocide Convention, the ICC-OTP opening an investigation into Myanmar, several investigations under universal jurisdiction laws, most notably in Argentina. These developments have begun to pierce decades of impunity and offer the hope of justice for victims.



Photos by United Nations: Jean-Marc Ferré



## INTERNATIONAL COURTS AND TRIBUNALS

International tribunals, from the Nuremberg and Tokyo Tribunals after the Second World War to the two ad hoc international tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR, respectively) and the International Criminal Court established in 1998 have helped promote justice through the investigation and prosecution of individuals for war crimes, crimes against humanity, genocide and the crime of aggression. These tribunals have played a significant role in combatting impunity and in the global protection of human rights by prosecuting individuals accused of international crimes.

The International Court of Justice (ICJ) is the main judicial organ of the United Nations. The Court can hear cases of legal disputes between States and issue advisory opinions at the request of UN organs. Individuals do not have direct access to the Court. However, the Court is increasingly tasked to address human rights issues. It has made important clarifications of the human rights obligations of States. And it has delivered findings that States are responsible for human rights violations. In this way, the Court constitutes an important mechanism to achieve justice for human rights violations.

### *International Tribunals and combatting impunity*

- The ICTY found the then president and military commander of the Bosnian Serb Republic, Radovan Karadžić, guilty of genocide in Srebrenica, war crimes and crimes against humanity committed during the Bosnian war in the early 1990s. The ICTY sentenced him to life imprisonment.
- The ICC sentenced Thomas Lubanga to a total of 14 years' imprisonment for the war crimes of enlisting and conscripting children under the age of 15 to participate actively in hostilities in the Democratic Republic of Congo.
- The ICC found Dominic Ongwen guilty of a total of 61 counts of crimes against humanity and war crimes committed in Northern Uganda between 1 July 2002 and 31 December 2005, and sentenced him to 25 years' imprisonment.
- In 2005, the ICJ found Uganda responsible for a series of violations of international law, including the killing and torture of civilians and the destruction of villages and civilian buildings in the Democratic Republic of Congo. In a 2022 judgment on reparations for those violations, the ICJ ordered Uganda to pay USD 325 million in reparations to the DRC.



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