

# Human rights mechanisms

## *Strengthening human rights mechanisms and the progressive development of international human rights law*

### Background

The High Commissioner is mandated to provide substantive support to the principal Charter-based organs in the field of human rights and its mechanisms and the treaty-based expert bodies.

OHCHR's support for the Human Rights Council in 2013 entailed providing substantive and organizational assistance during 10 weeks of sessions, two weeks of meetings of the Human Rights Council Advisory Committee, four weeks of meetings of the Complaints Procedure and one week-long meeting of the Open-ended Intergovernmental Working Group on the Draft United Nations Declaration on the Right to Peace. Throughout 2013, the Council remained seized of human rights crises worldwide. The situations in the Syrian Arab Republic, the Democratic People's Republic of Korea, the Central African Republic (CAR) and Somalia were addressed by the Council through commissions of inquiry and high-level dialogues. Furthermore, the Council held 15 panel discussions on subjects such as the rights of indigenous peoples, rights of the child, gender integration in the work of the Council, human rights and democracy, human rights and corruption and the rights of persons with disabilities. OHCHR provided substantive support to all of the panels.

The Human Rights Council also established two country and one thematic mandate over the year: on the situation of human rights in CAR and in Mali and on the enjoyment of all human rights by older persons. At the end of 2013, there were 51 special procedures (37 thematic mandates and 14 mandates relating to countries or territories) and 73 mandate-holders.





PARTICIPATION

In 2013, the second cycle of the Human Rights Council's Universal Periodic Review (UPR) continued with the full participation of all States. States under review continued to send high-level representatives and the Council observed a solid attendance rate with a high number of speakers. OHCHR serviced three sessions of the Universal Periodic Review Working Group during which 42 countries were reviewed.

OHCHR continued to support the work of the 10 human rights treaty bodies which are composed of 172 independent treaty body experts. The dramatic expansion of the system in the last decade created a number of challenges, including a significant backlog and a need for greater synergy between the treaty bodies. The intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system, which was launched in 2012, continued in 2013 with the support of OHCHR. In April 2014, the UN General Assembly adopted resolution 68/268, thereby concluding the process. The resolution grants additional meeting time and human and financial resources from the regular budget to the treaty bodies. Also, a capacity building package was agreed upon to assist States in fulfilling their treaty obligations. The General Assembly further adopted measures to modernize the treaty body system and make it more accessible. In addition, it recommended the harmonization by the 10 treaty bodies of their working methods. In recent years, OHCHR has created stronger linkages between the human rights mechanisms and taken steps to improve the harmonization of their work. It has also ensured that their work and that of the Office is complementary and moving towards the same overall goals. Engagement with relevant players at the regional and national levels, including State authorities, national human rights institutions (NHRIs) and civil society were strengthened. OHCHR's field presences have played a critical role in this regard.

OHCHR, through its support to the human rights mechanisms, contributed to the following results achieved during the 2012-2013 biennium.

## Ratification (EA 2)

*Increased ratification of international human rights instruments and review of reservations, with a focus on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), Convention on the Rights of Persons with Disabilities (CRPD), the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and the Optional Protocols to the Convention on the Rights of the Child*

*(OP-CRC), CRPD, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) and the Second OP to the International Covenant on Civil and Political Rights (OP-ICCPR)*

OHCHR advocates for the ratification of human rights treaties and the withdrawal of reservations as a component of its ongoing work. While its focus is on United Nations instruments, the Office also highlights regional and humanitarian conventions when relevant. The High Commissioner routinely raises ratification-related issues in her public statements, press releases and bilateral meetings with governments. Ratification is also integrated in the Office's technical cooperation work as part of the follow-up to recommendations issued during the UPR and by human rights treaty bodies and special procedures. During 2012-2013, a total of 113 ratifications were received (43 in 2013, 70 in 2012). As of the end of 2013, there were a total of 2,192 ratifications of and accessions to human rights treaties and protocols. This number includes the ratification of treaties, optional protocols and acceptance of articles relating to individual communication procedures.

OHCHR continued advocating for the ratification of the OP-ICESCR, which entered into force in May 2013, including in: Burkina Faso, Guatemala, Kazakhstan, Mali, Mexico, Paraguay, Peru, Republic of Moldova, Senegal, the former Yugoslav Republic of Macedonia (FYRM) and Togo. These efforts contributed to the entering into force of this instrument which enabled the Committee to receive and consider complaints from individuals and States Parties and undertake inquiries. This is an historical step that reaffirms the justiciability of economic, social and cultural rights and provides increased protection to individuals.

In advocating for ratification, field presences often worked in partnership with others, including regional organizations and United Nations Country Teams (UNCTs). The objectives were to: assist in the development of action plans that contain commitments for ratification and timelines for implementing certain conventions; provide technical assistance to prepare for ratifications, including by undertaking translations (Cambodia, Republic of Moldova, South Sudan); and undertake advocacy for ratification or on the withdrawal of reservations (Maldives and Mexico). In many cases, these efforts led to ratifications, for example: in Cambodia: CPED; in Georgia: CRPD and the OP-CRPD; in Mozambique: CRPD and ICRMW; in Uruguay:



OP-ICESCR; in Venezuela: OP-ICESCR; and in Zimbabwe: CRPD. The FYRM signed the OP-ICESCR; and Côte d'Ivoire's National Assembly voted for ratification of the Kampala Convention.

South Sudan's National Legislative Assembly passed bills for the ratification of the CRC (November 2013) and its protocols and CAT (December 2013) without reservations. South Sudan also became a party to the Geneva Conventions and signed the African Charter on Human and Peoples' Rights. The Human Rights Division of the United Nations Mission in South Sudan (UNMISS) advocated with a wide range of officials, including the Office of the President, the Ministry of Foreign Affairs, the Ministry of Justice and the Human Rights Committee of the National Assembly for speedy ratification of key human rights treaties. UNMISS also provided technical support in the drafting of legal opinions and trained representatives of the national and state legislative assemblies on human rights principles, ratification processes and the international human rights legal framework.

In terms of the withdrawals of reservations, OHCHR mapped the status of all reservations and interpretative declarations in Mexico and promoted internal policy and/or legislative changes. OHCHR also sent official letters to the Senate committees involved in the process of removing reservations (one of them jointly with UNCHR and OIM). As a result, in October 2013, Mexico withdrew reservations to seven international treaties regarding the expulsion of foreigners and the scope of military jurisdiction in cases of enforced disappearances. Furthermore, Mexico withdrew two interpretive declarations regarding the CRPD and the OP-CRC.

## State engagement with human rights mechanisms (EA 6)

*Increased compliance of States with their obligations under the human rights mechanisms and bodies, especially in terms of reporting and putting in place efficient mechanisms to ensure follow-up of their recommendations*

OHCHR advocated for the engagement of States with UN human rights mechanisms, including by providing support to bodies specifically created for cooperation with human rights mechanisms and ensuring adequate follow-up to their findings at the national level. In 2013, OHCHR commenced work on a study of good practices related to establishing standing national reporting and coordination mechanisms. Drawing on the results of the study, OHCHR published a compilation of relevant country



An independent expert of the Committee on the Elimination of Discrimination Against Women, October 2013.

practices to assist Member States that wish to create or reinforce their own mechanisms to improve their reporting compliance.

A number of States, with OHCHR's support, created and strengthened mechanisms to follow-up on recommendations issued by human rights mechanisms and/or included such recommendations in human rights action plans with a view to their future implementation (i.e., Afghanistan, Costa Rica, Ethiopia, Liberia, Republic of Moldova, Panama, Serbia, Sierra Leone and the United Republic of Tanzania), as illustrated by the following examples:

- ▶ The Ministry of Justice of Afghanistan, with OHCHR's support, prepared a National Action Plan on the Implementation of Recommendations of UPR, CRC and ICESCR in 2012. The Plan included indicators and details regarding assisting and supervisory organs and facilitated the implementation of recommendations during 2013. Building on this, the Government expressed its intention to create a matrix to track government actions to fulfil or respond to specific recommendations by mechanisms.
- ▶ The Liberian Government initiated the drafting of a national strategy to meet its international human rights obligations, including ratification, treaty reporting and the implementation of recommendations issued by the treaty bodies. OHCHR funded a validation workshop for the



OHCHR workshop on the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights organized in Dakar, Senegal, May 2013.

National Human Rights Action Plan in September 2013, through which Liberia committed to conducting a compliance review, fulfilling its treaty reporting obligations and establishing a follow-up mechanism to track the implementation of treaty body and UPR recommendations. The Plan was launched on 10 December 2013.

- In December 2013, the Government of Serbia launched a Proposal for the Establishment of the National Mechanism for Follow-Up to the recommendations of the UN Human Rights Mechanisms. This proposal is the result of five years of advocacy and advisory activities undertaken by the Human Rights Adviser (HRA) in cooperation with other actors such as OSCE and UNDP.

### **The Human Rights Council, particularly the Universal Periodic Review**

During the second cycle of the UPR in 2013, the primary focus of national reports was on recommendations issued during the previous cycle. The reports highlighted progress made and identified implementation measures and developments in the human rights situation in the State under review. Increasingly, countries submitted mid-term updates (to date, 40 countries have done so) and several States reported on recommendations they had not initially accepted and addressed the status of implementation of voluntary pledges and commitments made during the previous review. The review mechanism raised awareness about a number of topics that are not systematically included in the human rights debate, i.e., Pacific Island States shared their concerns regarding the impact of climate change. With a view to facilitating the participation and increasing the

engagement of Least Developed Countries (LDCs) and Small Island Developing States (SIDS) in the Human Rights Council and its UPR, a two-day interregional seminar was held in Mauritius in July 2013, in which 38 delegates representing 15 countries participated.

Most OHCHR field presences were involved in supporting either UPR reporting or follow-up to the review. This was primarily undertaken through workshops, the provision of guidance on the updated modalities and procedures for the second cycle reviews. In most cases, this engagement ensured participatory processes and that final reports complied with the UPR guidelines (Argentina, Belize, Brazil, Cambodia, Chile, Costa Rica, Dominican Republic, Fiji, Guatemala, Maldives, Niger, Peru, the FYRM, Tonga, Tuvalu, Ukraine, Uruguay and Vanuatu).

In South America (Argentina, Brazil, Chile, Peru and Uruguay), OHCHR provided technical assistance and advice under a regional project to support broad consultations for the analysis of UPR recommendations. Roadmaps for the implementation of UPR recommendations were developed and experiences were shared among participants on how to address human rights issues of common concern.

Finally, as part of OHCHR's efforts to support States in following-up on UPR recommendations, it undertook needs assessment missions to Bahrain, Costa Rica, Dominican Republic and El Salvador.

### **Special Procedures**

During 2013, special procedures undertook 79 country visits to 66 States and were accompanied and supported by OHCHR staff. The special procedures mandate-holders also sent 528 communications to 117 States in which they described allegations of



OHCHR seminar for Least Developed Countries and Small Island Developing States that took place in Mauritius, July 2013.

## Support to the Universal Periodic Review and country-level results

In accordance with its priority to strengthen the human rights mechanisms and the progressive development of human rights law, as outlined in its Management Plan 2012-2013, OHCHR continued to promote the engagement of Member States and stakeholders with the mechanisms and support the national-level implementation of and follow-up to recommendations emanating from human rights mechanisms, including those issued during the Universal Periodic Review (UPR).

In line with this approach, in 2013, the Office completed the indexing of all recommendations from the first cycle of the UPR into the Universal Human Rights Index, which now integrates the human rights recommendations from all human rights mechanisms (treaty bodies, special procedures and the UPR). Furthermore, the Office worked to strengthen partnerships between the UN system and regional human rights

mechanisms through various forms of engagement and cooperation.

During the biennium 2012-2013, OHCHR received requests for assistance with follow-up to the UPR process. To support requesting States, which bear the primary responsibility for implementation, the Office developed a strategic framework to operationalize the Voluntary Trust Fund for Financial and Technical Assistance in the Implementation of the UPR. This framework defines guiding principles for the operation of the Trust Fund and prioritizes requests from Least Developed Countries and Small Island Developing States, enabling it to respond to requests in an orderly, fair, universal and transparent manner. The Office submitted its first report on the operation of the Trust Fund (A/HRC/24/56) to the Human Rights Council in September 2013.

In 2013, OHCHR pursued ongoing activities and approved

requests submitted to the Trust Fund for assistance related to the implementation of UPR recommendations in: Argentina, Barbados, Brazil, Chile, Democratic Republic of the Congo, Fiji, India, Marshall Islands, Panama, Paraguay, Lao People's Democratic Republic, Peru, Republic of Moldova, Thailand, Uruguay and Vanuatu.

In the Asia Pacific region, OHCHR provided support and advice for the follow-up to UPR recommendations in several countries, including Fiji, Indonesia, the Lao People's Democratic Republic, Malaysia, the Marshall Islands, Myanmar, Philippines, Thailand and Vanuatu. In February 2013, OHCHR organized a meeting for government representatives and other stakeholders in the region to identify good practices related to common themes such as discrimination, freedom of expression, prevention of torture and the rights of minorities, including sexual minorities.

human rights violations or general concerns relating to laws and policies and urged relevant State authorities to take steps to investigate them and, where proven to be well founded, provide redress. Special procedures submitted 168 reports on thematic issues under their mandates and activities to the Human Rights Council and 36 to the General Assembly. They also worked to raise awareness of human rights issues falling under their mandates, including through expert consultations, news releases and public statements (379 in 2013).

Examples of recommendations emanating from special procedures which resulted in concrete and positive changes:

- ▶ On the basis of a specific recommendation issued by the Special Rapporteur on extrajudicial executions following his 2010 country visit, the Albanian Parliament amended the Constitution in late 2012 and enabled investigations and prosecutions of high officials and judges without prior authorization.
- ▶ Following the recommendations of the Special Rapporteur on the independence of judges and lawyers, Kazakhstan adopted a law on free legal

aid in July 2013. While the Law was not compliant with all international standards, it did entrench the right to legal aid and the Government has committed to allocating funds for this purpose. During the drafting process, the Regional Office for Central Asia raised awareness about relevant international standards in a series of round tables, provided expert advice on various drafts and facilitated discussions among parliamentarians and lawyers on key provisions.

- ▶ On 26 March 2013, Kosovo's<sup>10</sup> Prime Minister responded to an allegation letter sent by four Special Rapporteurs on 10 January 2013, addressed through the United Nations Interim Administration Mission in Kosovo (UNMIK), regarding incidents which took place in December 2012 and impacted the lesbian, gay, bisexual, transgender and intersex (LGBTI) community in Pristina. In September 2013, indictments were filed against three persons in relation to the case.

<sup>10</sup> All references to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.



- Supported by OHCHR, the Special Rapporteur on the situation of human rights in Myanmar visited the country twice in 2013. He continued to advocate for the release of prisoners of conscience, including with the Political Prisoner Review Committee set up by the President. During the course of 2013, 320 prisoners of conscience were released under six presidential amnesties. Some of these were cases that special procedures had taken up in communications and others were supported and followed up by the Regional Office for South-East Asia.
- In Papua New Guinea (PNG), two legislative developments in 2013 addressed key recommendations issued by special procedures and treaty bodies. On 28 May 2013, the Sorcery Act of 1971 was repealed by the PNG Parliament and on 19 September 2013, the Parliament passed the Family Protection Bill which made domestic violence an offence and provided legislative backing for Interim Protection Orders that are issued to victims of domestic violence by the District Courts.
- In Paraguay, in follow-up to the recommendations provided by the Special Rapporteur on poverty and human rights after her 2012 visit to the country, the Social Action Secretariat announced

### An unlawfully imprisoned victim of torture is released in Mexico

Ciudad Juárez, located in the north of Mexico, has one of the highest homicide rates in the world. In 2008, as a response to this situation, the Mexican Government decided to deploy the military to engage in law enforcement activities.

On 30 January 2010, at the housing complex Villas de Salvárcar in Ciudad Juárez, a group of young people were gathered to celebrate a birthday. At approximately midnight, an armed commando attacked the party, killing 15 people and injuring another 10. On February 2010, a man named Israel Arzate was arbitrarily detained in Ciudad Juárez by military personnel upon suspicion of theft of a vehicle. He was taken to a military regiment, held incommunicado, tortured and forced to confess "his responsibility" in the massacre at Villas de Salvárcar. He was imprisoned and subjected to preventive custody ("*arraigo*"), an arbitrary form of deprivation of liberty that has been criticized by several UN human rights mechanisms.

A number of NGOs took up the case of Mr. Arzate. OHCHR thoroughly documented the case and held several meetings with authorities, relatives of Mr. Arzate and the NGOs that handled the case. The National Commission on Human Rights

issued a recommendation which concluded that the authorities, including the military, had violated Mr. Arzate's rights of integrity and personal security, legality and legal security, by committing abusive acts which consisted of illegal detention, lack of communication, torture and the arbitrary use of force.

In November 2011, the Working Group on Arbitrary Detention adopted its Opinion No. 67/2011 and concluded that the deprivation of liberty of Mr. Arzate violated several human rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Working Group requested that the Government of Mexico immediately release Mr. Arzate; called for a thorough, independent and impartial investigation of the complaints of torture suffered by the victim; asked the Government to grant him full and suitable compensatory reparation; recommended the revision of the constitutional and legal provisions authorizing "*arraigo*;" asked for the withdrawal of the authority granted to the armed forces to participate in the investigation and prosecution of criminal offences; and reminded the Government that the armed forces should not engage in the apprehension, arrest and detention of civilians.

During his official visit to Mexico, the Special Rapporteur on extrajudicial, summary or arbitrary executions referred to the massacre at Villas de Salvárcar and in his report, raised a concern that in certain cases, "a suspect may be convicted only based on self-incriminating confessions, obtained through torture or by the testimony of supposed witnesses who were not present at the scene of the crime. Under both these scenarios, the use of such scapegoats makes a mockery of justice. While this may create an illusion of accountability, it in fact results in a double injustice."

Against this background and following public interventions undertaken and statements issued by OHCHR-Mexico, the work of the NGOs that defended Mr. Arzate and the submission by OHCHR of a legal brief to the Supreme Court, the Court ordered the immediate release of Mr. Arzate. In its decision, the Court quoted relevant international human rights standards.

Along with Mr. Arzate's release, the accusations of torture committed by military personnel are being investigated by the civilian justice system in accordance with recommendations issued by international and regional human rights mechanisms and due to OHCHR's advocacy.



The Human Rights Council in session.

the Government's intention to develop a National Development Plan with a human rights-based approach.

- ▶ On the basis of key findings of the Independent Expert on the situation of Somalia and a number of key recommendations issued by the UPR, the Post-Conflict Human Rights Roadmap was adopted on 27 August 2013. With support provided by the United Nations Political Office for Somalia (UNPOS), the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General on Children in Armed Conflict visited Somalia in April 2013. As a result of the visit, the Government and the UN signed a joint communique on key commitments related to the prevention of sexual violence.

## Treaty bodies

In 2013, the treaty bodies with a State Party reporting procedure received a total of 108 State Party reports, including 12 common core documents. The treaty bodies adopted concluding observations in relation to 135 States Parties. The Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of Persons with Disabilities (CRPD), the Committee against Torture (CAT) and the Human Rights Committee examined and adopted final decisions on 116 communications and issued 53 requests for interim measures of protection for alleged victims at risk of irreparable harm. In addition, the Committee on Enforced Disappearances (CED) issued nine requests for urgent action under article 30 of the Convention.

OHCHR assisted the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) in carrying out three regular visits to Gabon, New Zealand and Peru, two advisory visits to Armenia and Germany and one follow-up visit to Cambodia. In Senegal, in July 2013, OHCHR supported the development and submission of the CEDAW report. Its previous submission was in 1994.

In 2013, the first compilation of Selected Decisions was published by CERD. OHCHR also revised and published two fact sheets on the human rights treaty body system and on the available individual complaints procedures to raise awareness among the general public.

Over the 2012-2013 biennium, through the provision of advice, capacity-development and other technical support, OHCHR contributed to improved reporting by States Parties under the international human rights treaties. OHCHR headquarters provided support in the form of training on the common core document and treaty specific guidelines, reporting, individual communications and follow-up to recommendations. For example, a training workshop was held on reporting and follow-up for the Interministerial Committee on Human Rights in Rabat, Morocco in September 2013 and another was held for francophone African countries in Tunis, Tunisia in December 2013. Many OHCHR field presences complemented these efforts by providing advice and technical assistance and facilitating exchanges between relevant stakeholders, i.e., in Afghanistan, Burundi, Cambodia, Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Guatemala, Honduras, Madagascar, Maldives, Mauritania, Niger, Paraguay, Senegal, Sierra Leone, the FYRM, Togo and Uganda. Partnerships were developed between several of the treaty bodies and UN departments, including in relation to UNICEF's reporting to CRC and UN Women's reporting to CEDAW. These efforts significantly contributed to improved, timely and more inclusive reporting processes, compliance with reporting guidelines and a reduction in the backlog of reports awaiting review. They also had a generally positive impact on the constructive dialogue that took place during the review.

Examples of treaty body recommendations that contributed to concrete and positive changes at the country level were found:

- ▶ In the Republic of Moldova, following briefings and trainings conducted by OHCHR on the basis of the 2011 recommendations issued by the Committee on Economic, Social and Cultural Rights (CESCR), it was reported that the Ombudsman for Psychiatry will be formalized



and receive State budget funding from 2014. In parallel, an interministerial working group completed the draft law on the reform of the institution of guardianship and it is now pending the launch of official consultations.

- ▶ In the Russian Federation, based on a CEDAW recommendation, a draft law on combating domestic violence was submitted by a working group to the Parliament. OHCHR, with local partners, conducted an expert consultation on the protection of victims of violence.
- ▶ In Mexico, judicial authorities increasingly incorporated international human rights standards into their rulings following the 2011 constitutional reforms on human rights which grant constitutional status to international human rights treaties and “*amparo*” and seminal decisions handed down by the National Supreme Court of Justice. OHCHR played a key role in this development by submitting eight compilations of relevant international norms and standards to the National Supreme Court of Justice, including on the scope of military jurisdiction; the obligation of the State to effectively investigate and punish violence against women; temporary special measures; and liberty and the presumption of innocence.

## Civil society engagement with human rights mechanisms (EA 7)

*Increased number and diversity of rights-holders, and of national human rights institutions and civil society actors acting on their behalf, making use of UN and regional human rights mechanisms and bodies*

Against the backdrop of a long-standing history of engagement and mutual support between civil society and UN human rights mechanisms, OHCHR continued to expand its public information tools, making better use of new technologies to improve access to all bodies and mechanisms including special procedures, treaty bodies and UPR. For instance, in relation to the Human Rights Council and UPR, a *Practical Guide for Civil Society* was made available to clarify processes and procedures.

During 2013, the treaty bodies received more than 1,000 written submissions from civil society, NHRIs and UN entities. In addition, over 1,000 observers attended public meetings of the treaty bodies. Information tools, including 50 Weekly Updates and three Human Rights Treaties Division Quarterly Newsletters for civil society and other stakeholders were produced. Furthermore, in

### New technologies facilitate access for civil society to the Human Rights Council and treaty bodies

- An online sign-up system and a new electronic inscription system for the list of speakers for the Human Rights Council were introduced. This greatly improved the accessibility for NGOs in the UPR and facilitated the participation of NGOs not based in Geneva. During the Council sessions in 2013, NHRIs and NGOs were able to intervene during the adoption of UPR outcomes by video message, thereby enhancing the participation of national civil society actors. In 2013, 12 ‘A’ status accredited NHRIs participated in the adoption of the UPR outcomes during the Council’s plenary and intervened immediately following the States under review (three of which were through video messages).
- Through OHCHR’s Facebook and Twitter accounts and other social media platforms, treaty bodies gained increased visibility which created greater awareness about their expert findings and involved a greater number of stakeholders. For instance, OHCHR used Facebook to post a short summary of the discussions related to each State Party’s report. It further provided a link to the discussion summary on the OHCHR website and to each committee’s page where readers can find the full reports, a photo and a link to the committee’s concluding observations. The Council’s activities were broadly disseminated through social media. The number of users has grown significantly and has now reached nearly 20,000 followers on Twitter and over 700 subscribers to the SMS alerts. Similarly, nearly 30,000 Facebook users are following the activities of the Council.
- OHCHR continued to develop and use online systems to facilitate civil society participation in the sessions of some treaty bodies. For example, the Office supported and encouraged colleagues in the use of existing UN online systems (i.e., CSO Net) to manage the accreditation for sessions of CEDAW, CED and the Human Rights Committee. OHCHR enhanced its Treaty Body Database and integrated it into the webpage of the human rights treaty bodies found on the OHCHR website.
- OHCHR also developed and tested a new online registration system to facilitate the management of written contributions of stakeholders related to the UPR. Through this system, OHCHR received approximately 900 such documents from civil society, NHRIs and UN entities in 2013.

## Access to human rights mechanisms for persons with disabilities

As one of the outcomes of the report of the Task Force on secretariat services, accessibility for persons with disabilities and use of information technology, adopted by a decision of the Human Rights Council (A/HRC/DEC/19/119), OHCHR implemented a project aimed at ensuring that one panel per session of the Human Rights Council is fully accessible to persons with disabilities (in addition to the annual panel on the rights of persons with disabilities). Specifically, the project financed the provision of international sign language interpreters, captioning of the webcasting and the participation of an NGO from the disability community in the panel. In addition, easy-to-read versions of selected materials about the Council and panel summaries were produced. Finally, the project enabled the drafting and printing in accessible



Human Rights Council's interactive debate on the rights of persons with disabilities, March 2013.

formats of an *Accessibility Guide to the Human Rights Council*.

Accessibility to the treaty bodies was also improved through the videoconferencing of sessions of the treaty bodies, primarily the Committee on the Rights of Persons with Disabilities, in order to improve accessibility to meetings at Palais Wilson and Palais des Nations.

The resulting report outlined short-, medium- and long-term measures. OHCHR implemented one of the recommendations, namely a training workshop in June 2013, on accessibility to documentation and websites, which was attended by OHCHR staff from headquarters and field presences.

2013, OHCHR continued to make the Universal Human Rights Index available as an updated and comprehensive tool for searching treaty body outputs and the indexing of recommendations emanating from the first cycle of the UPR was completed. Finally, over 600 observers from civil society took part in Human Rights Council sessions by providing over 400 written statements and 1,200 oral statements and organizing nearly 300 side events.



The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, briefs journalists in New York, October 2013.

Numerous advocacy and capacity-building activities that were undertaken at the country level to further civil society's engagement with human rights mechanisms complemented the efforts described above. OHCHR field presences in Argentina, Azerbaijan, Belize, Bolivia, Cambodia, Chile, Costa Rica, Côte d'Ivoire, Georgia, Guatemala, Guinea, Indonesia, Kenya, Lao People's Democratic Republic, Maldives, Malaysia, Mauritania, Mexico, the State of Palestine, Paraguay, Peru, Russian Federation, Togo, Uganda, Ukraine, United Republic of Tanzania and Viet Nam helped to create civil society coalitions and assisted them in preparing alternative reports to treaty bodies or submissions to the UPR. Several of them sought to involve NHRIs, i.e., in Argentina, Azerbaijan, Chile, Kenya, Maldives, Peru, Russian Federation, Ukraine and the United Republic of Tanzania. In many cases, this resulted in a significant diversification of civil society actors engaging with the mechanisms and considerably increased the number of high-quality civil society reports and submissions that covered a wide range of pertinent issues. Some of the initiatives transitioned into follow-up mechanisms with a view to ensuring that the issued recommendations are implemented:

- ▶ In Togo, in 2013, following the CESC's publication of their concluding observations, the

Coalition for Economic, Social and Cultural Rights in Togo organized a dissemination workshop for 25 CSOs, which were then joined by 19 other CSOs, and led to the drafting of a plan of priority actions to promote and protect economic, social and cultural rights.

- ▶ In Azerbaijan, OHCHR mobilized civil society through discussions and trainings on drafting submissions to treaty bodies and in anticipation of the second cycle of the UPR. As a result, the number of submissions increased. In total, 16 alternative reports were submitted by CSOs and the NHRI to the treaty bodies.
- ▶ In Cambodia, OHCHR provided support to stakeholders through two workshops that were attended by 70 persons in April and June 2013 and resulted in the submission of 37 stakeholder inputs for the second UPR cycle. The submissions covered a wide spectrum of rights and issues, including fundamental freedoms, HIV/AIDS policies, land, housing and LGBTI rights.
- ▶ In the Maldives, a significant increase in engagement with UN human rights mechanisms was noted in the latter part of 2013. Civil society and the media began to more actively use outputs from the mechanisms, such as general comments.
- ▶ In 2013, following training provided by OHCHR and UNDP on reporting procedures and timelines, a total of 20 alternative reports prepared by 34 Ukrainian NGOs were submitted to the Human Rights Committee on the occasion of the consideration of Ukraine under the ICCPR. The Ombudsman Institution also submitted a report.
- ▶ As a result of efforts undertaken by the OHCHR Regional Office for Central America, several organizations of indigenous peoples from Belize provided information for the Human Rights Committee's list of issues in anticipation of its consideration of Belize's periodic report in March 2013. The indigenous peoples' organizations also submitted information in advance of the second cycle of the UPR in October 2013.

Special procedures, with the support of the Secretariat, worked to improve their outreach through a publicly accessible database which now includes over 800 opinions that have been adopted by the Working Group on Arbitrary Detention (WGAD) since 1992. The database significantly facilitates the further use of these opinions and resulted in several references to WGAD decisions by national courts. In 2013, with OHCHR's support, the Special Rapporteur on the human right to water and sanitation developed a handbook for the realization of that right. The handbook provides practical guidance for stakeholders on the development of laws, policies, and budgets and explains how



The Working Group of Experts on People of African Descent visit a detention centre in Panama, January 2013.

governments can be held to account for their actions (or inactions) related to ensuring universal access to water and sanitation.

In the field, OHCHR presences were involved in raising awareness and liaising with special procedures, where appropriate, including:

- ▶ Following the mission to Costa Rica by the Special Rapporteur on indigenous peoples, the Regional Office disseminated his recommendations on the Diquis Hydroelectric Project to indigenous peoples' organizations, which contributed to the Government initiating a dialogue with indigenous peoples from the affected areas and, overall, to an increase in the use of the special procedures by indigenous peoples. Furthermore, on the basis of a Regional Office-facilitated dialogue that took place between the Government, indigenous peoples and UN agencies, a roadmap was established to implement these recommendations.
- ▶ OHCHR-Palestine conducted practical, focused workshops aimed at providing partners with the tools to effectively use the special procedures. At the workshop held in May 2013 in Gaza, 12 organizations attended, four of which had previous experience with submissions to the special procedures. In 2013, OHCHR started a programme to improve outreach to grassroots organizations that are based outside of the larger cities and in refugee camps, to raise awareness about how to use human rights law as a tool for their work and the special procedures as an advocacy channel.

All UN human rights bodies and mechanisms, as well as the President and the Bureau of the



Human Rights Council and OHCHR continued awareness-raising and advocacy efforts in relation to acts of intimidation and reprisals against persons who cooperate with the UN and human rights mechanisms. The annual report of the Secretary-General on *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights* (A/HRC/24/29) was submitted to the Human Rights Council in June 2013 and sparked further discussion on how Member States and the UN can ensure better protection for those who engage with the UN and its mechanisms.

## International and regional law and institutions (EA 8)

### *Advances in the progressive development of international and regional human rights law in selected areas of focus*

OHCHR supports the progressive development of international human rights law, notably through studies and consultations and by supporting human rights mechanisms in organizing thematic debates or elaborating guiding principles and general comments. As a result, numerous mechanisms made important contributions to the development of international human rights law, i.e., the Advisory Committee elaborated a report on the issue of hostage-taking by terrorist groups, which sheds light on the definition of terrorist hostage-taking, its nature, scope and dimensions and recommends that States engage in a discussion on how to tackle the challenging issue of the legality of payment of ransom to terrorist hostage-takers. This issue has been picked up by the international media, particularly in the context of hostage-taking for ransom.

Following a consultation process undertaken with OHCHR's support, the Special Rapporteur on the right to food presented the *Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements* to the Human Rights Council in March 2012, which served as a reference for the human rights system in its interaction with Member States and informed a range of case studies by NGOs and independent research institutions. The Council of the European Union, following its adoption of the European Union Action Plan on Human Rights and Democracy, is now using the Guiding Principles to identify specific human rights that are likely to be affected by particular measures in trade agreements (Parliamentary Questions, E-004302-13, 30 May 2013).

The 2013 thematic report of the Special Rapporteur on the right to freedom of opinion and expression to

the Human Rights Council called for more attention to the widespread use of surveillance technologies by States within and outside national boundaries and indicated that national laws regulating State involvement in communications surveillance are often inadequate or are not in place. The report received particular attention as it was presented to the Human Rights Council only days before revelations were made on mass surveillance initiatives. The 68th session of the General Assembly welcomed the report and included some of its recommendations in a resolution on the right to privacy in the digital age.

The Special Rapporteur on torture participated in the ongoing United Nations Office on Drugs and Crime (UNODC) coordinated review of the Standard Minimum Rules for the Treatment of Prisoners, which includes updated standards of international law. Following the Special Rapporteur's report on the subject, the related expert consultation in Oxford in July 2013 and his presentation to the General Assembly in October 2013, States, regional mechanisms (i.e., the Inter-American Commission on Human Rights) and CSOs have engaged more actively in the review process.

OHCHR also facilitated discussions among Member States and other relevant stakeholders with regard to new standard-setting exercises in emerging areas of international human rights law. For instance, it has served, individually or jointly with other UN agencies, as Secretariat of the Open-ended Working Group on strengthening the protection of the human rights of older persons and of the Open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas.



The Special Rapporteur on extreme poverty and human rights met with rural communities during her official mission to the Republic of Moldova, September 2013.

### General comments/recommendations adopted by the treaty bodies in 2013

- The Committee on the Rights of the Child adopted four general comments on the right of the child to have his or her best interests taken as a primary consideration (14); on the right of the child to the enjoyment of the highest attainable standard of health (15); on State obligations regarding the impact of the business sector on children's rights (16); and on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (17).
- The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted a general comment on the rights of migrant workers in an irregular situation and members of their families (2).
- The Committee on the Elimination of Discrimination against Women adopted general recommendations on the economic consequences of marriage, family relations and their dissolution (29); and on women in conflict prevention, conflict and post-conflict situations (30).
- The Committee on the Elimination of Racial Discrimination adopted General Recommendation No. 35 on *Combating Racist Hate Speech*, providing guidance on how to condemn such speech and combat prejudices leading to racial discrimination, while also respecting other rights, including freedom of expression.

Special Adviser on the Prevention of Genocide and of the United Nations Special Adviser on the Responsibility to Protect regarding prevention of incitement in situations where there is an imminent risk of large-scale violence. As a result, on 26 November 2013, the Offices presented a draft options paper on the prevention of incitement to violence that could lead to atrocity crimes.

- Of the 528 communications sent by Special Procedures to 117 States in 2013, 84 per cent (an increase from approximately 75 per cent in 2012) were jointly sent by two or more mandate-holders, as a result of close coordination. With the support of OHCHR, a number of joint statements by several or all of the mandate-holders were made during the year, i.e., in May 2013, the Chair of the Special Procedures' Coordinating Committee made a statement during the Human Rights Council debate on the situation of human rights in the Syrian Arab Republic and on the killings in Al Qusayr.
- The annual Meeting of Chairpersons took place in New York, in May 2013, in order to foster synergies between the treaty bodies and the treaty body strengthening process.

### Regional organizations

Following the adoption of the roadmap between the African Union and OHCHR in January 2012, focal points within the Secretariat of the African Commission on Human and Peoples' Rights (ACHPR) and OHCHR were nominated and several special procedures mandate-holders participated in the 54th session of the ACHPR in October/November 2013.

## Coherence among human rights mechanisms (EA 9)

### *Enhanced coherence and consistency in the system of human rights mechanisms*

In 2013, OHCHR continued to encourage partnerships and coordination between the various human rights mechanisms which led to increased synergies between the UN and regional mechanisms and contributed to more effective mainstreaming of human rights within the United Nations.

- The Special Rapporteurs on the right to food and to safe drinking water and sanitation and a member of the Working Group on discrimination against women participated in CEDAW's general discussion on rural women on 7 October 2013 which contributed to the preparation of a general recommendation on the issue.
- In February 2013, the Special Rapporteurs on freedom of religion or belief and on freedom of opinion and expression participated in a seminar convened by the Offices of the United Nations



Participants of an OHCHR workshop on human rights treaty obligations for representatives of government, national institutions, and civil society in Liberia, December 2013.

Following the adoption of the Association of Southeast Asian Nations (ASEAN) Human Rights Declaration, the Regional Office in Bangkok continued consultations around strategic interventions relating to the ASEAN Intergovernmental Commission on Human Rights (AICHR) to encourage prioritizing the development of the AICHR protection mechanisms. The Regional Office also engaged with individual members of the AICHR or the AICHR Secretariat, cooperating, for example, to convene regional seminars on UPR follow-up and on the death penalty.

In September 2013, a Joint Declaration was signed on the reinforcement of cooperation between the Council of Europe Secretariat and OHCHR. The Council of Europe Secretariat also continued engaging with the UPR. In 2013, OHCHR received 14 written contributions for the UPR documentation from the Council of Europe and one from the European Union.

In 2013, the Special Rapporteur on torture addressed the Inter-American Commission on Human Rights, which endorsed his work on the use of solitary confinement and his recommendations on the Standard Minimum Rules for the Treatment of Prisoners which were submitted to UNODC in September 2013. The Inter-American Commission also sent written contributions for the UPR documentation of two countries that were reviewed in 2013 and five countries to be reviewed in early 2014.

## Challenges and lessons learned

The past biennium clearly showed the value of strategic partnerships between the UN's human rights mechanisms and OHCHR, in particular its field presences. The latter significantly contributed to improved and timelier State reporting to the UPR and treaty bodies and to the diversification of civil society actors engaging with the UN human rights mechanisms. On the other hand, many examples illustrate that strategic interventions by mechanisms helped to open doors and draw attention to certain issues. In many cases, often where the follow-up to the findings of the mechanisms was led by partners on the ground, real change was noted, including in terms of legal amendments, modified policies and increased references to international standards by the judiciary.

Mechanisms also continued to be at the forefront in further developing international human rights law, with reports that dealt with: hostage-taking; assessing



Event on the impact of human rights mechanisms in South Africa organized on Human Rights Day, December 2013.

the human rights impact of trade agreements; surveillance in the context of new technologies; detention practices; child rights; and hate speech. Many of these initiatives attracted considerable attention and media coverage and generated further discussions and initiatives.

The past biennium also showed that, while new technologies offer new opportunities in terms of outreach, accessibility and visibility to the human rights mechanisms, they also lead to an increased workload for OHCHR as more venues are at the disposal of actors who seek to engage with the mechanisms and expect prompt feedback and effective responses. Combined with the steadily growing number of mandates from the Human Rights Council, often without adequate additional funds, and in the context of budgetary restrictions, OHCHR sometimes struggles to respond to all of the existing, new and emerging demands it faces. With a view to enabling the Office to uphold the current levels of support, the human rights treaty body system engaged in a process aimed at its strengthening, which showed that diligently assessing cost and functionality of a mechanism, with full transparency and inclusiveness, may produce an enhanced and more efficient system.

Intimidation and reprisals against persons who have cooperated with the human rights mechanisms continue to pose considerable challenges as they rely on these individuals for the sharing of information. The mechanisms, with strong support from the High Commissioner and the Secretary-General, continue to explore avenues with a view to improving the protection of those who engage with the UN and bring allegations to its attention, sometimes at the peril of their life and security.