

Support to human rights mechanisms

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

Background

Over the past five years, substantial reform of the international bodies and mechanisms that make up the UN human rights system has had wide-ranging implications for OHCHR's work. Key developments since the Commission on Human Rights was replaced by the HRC in 2006 include the 2008 launch of the Council's Universal Periodic Review (UPR) mechanism; an increase in the number of special procedures; and expanded mandates for existing special procedures, including in response to crisis situations and special sessions. The five-year review of the Human Rights Council in 2011 improved transparency in the selection of mandate-holders and provided a greater role for NHRIs. The Council dealt with emerging human rights situations in a timely and constructive manner, including by the use of special sessions, urgent debates, dispatching commissions of inquiry and regularly engaging with the High Commissioner for Human Rights. In addition, several new international human rights treaties were adopted and new treaty bodies were established, including the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Since 2011, all nine core international human rights treaties provide the possibility for individuals to claim their rights. Provisions relating to individual complaints in respect of three treaties have not yet entered into force.

Taken together, these changes represent a significant step forward for the human rights system and protection of human rights. Progress has been made in ensuring the coherence and consistency of the system but the growth of the various mechanisms and more frequent Council and treaty body sessions have, however, added greatly to OHCHR's workload. These additional responsibilities have not been matched by an equivalent increase in resources, creating acute management challenges for the Office.



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The Human Rights Council in session.



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The Deputy High Commissioner at the Human Rights Council's Special Session on Syria, April 2011.

OHCHR's role

OHCHR's mandate includes support for UN human rights treaty bodies and mechanisms. The Office has expertise and experience in working with international human rights instruments and in-depth knowledge of the application of the procedures of the human rights mechanisms. OHCHR is uniquely positioned to identify strategies and measures designed to strengthen existing mechanisms. It is also the conduit for communication between the various human rights mechanisms and external partners, including parts of the UN system, regional human rights mechanisms, NGOs, civil society and other stakeholders. A report of the UN Office of Internal Oversight Services (OIOS) notes: "Based on stakeholder perceptions and OIOS' independent assessment, OIOS finds that OHCHR's comparative advantage lies in its position as the central reference point for international human rights standards and mechanisms. As such, it is the authoritative source of advice and assistance to Governments, civil society and other United Nations entities on compliance with those standards and on the human rights-based approach. More strategic utilization of this strength would enable OHCHR to implement its mandate more efficiently." Thus the strategies outlined in the OHCHR Strategic Management Plan 2010-2011 and OHCHR Management Plan 2012-2013 are built on and complements the activities of the human rights mechanisms and bodies.

Ratification

EA 2 - Increased ratification of international human rights instruments and review of reservations, with a focus on the conventions on Migrant Workers, Rights of Persons with Disabilities and Enforced Disappearance and the Optional Protocols to the CRC, CRPD, CAT and ICESCR and the second OP to the ICCPR

OHCHR advocates for the ratification of human rights treaties and withdrawal of reservations through public statements by the High Commissioner, press articles and bilateral meetings with Governments as well as through highlighting recommendations and encouragements issued during the UPR and by human rights treaty bodies and special procedures.

In 2011, a total of 54 new ratifications were recorded. This number includes the ratification of treaties, optional protocols and acceptance of articles relating to individual communication procedures. OHCHR supported special procedures in their work with State officials and NHRIs to provide information, advice and technical assistance and thereby contributed to the promotion of ratifications generally and particularly in: Bangladesh, Cape Verde, Comoros, El Salvador, Indonesia, Iraq, Kyrgyzstan, Mauritius, PNG, the former Yugoslav Republic of Macedonia, Tunisia and Vanuatu.

As an example, OHCHR developed a set of "Advocacy and Action Points" for the United Nations in the former Yugoslav Republic of Macedonia to mobilize further joint action for the ratification and implementation of the CRPD. As a result of efforts undertaken by OHCHR in collaboration with CSOs, the State ratified the Convention in December 2011. It also encouraged a number of assessments of accessibility to UN premises as an example to be followed by partners.

OHCHR field presences worked with the Governments of Argentina, Brazil, Burkina Faso, Chile, Costa Rica, Mali, Peru, Senegal, Uruguay and Venezuela towards ratification of the Optional Protocol to ICESCR (OP-ICESCR); the Governments of Cambodia, Cameroon and Tajikistan towards ratification of the CRPD; the Governments of Papua New Guinea and Tanzania towards the ratification of CAT and its Optional Protocol; the Government of Indonesia towards ratification of the OP-CAT; the Government of Djibouti towards ratification of the Optional Protocols to the CRC; and the Government of Nepal towards ratification of the ICCPR. These ratifications are expected in 2012.

State engagement with human rights mechanisms

EA 6 - Increased compliance of States with their obligation 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

Throughout 2011, OHCHR continued to provide substantive and technical support to the work of human rights mechanisms and bodies. It supported them in identifying critical human rights situations and preventive measures. Furthermore, the Office facilitated the adoption of more precise and targeted recommendations and disseminated, in a variety of accessible formats, relevant outputs, decisions and recommendations. With a view to

assisting in the implementation of these recommendations, the Office supported and encouraged the sharing of good practices, experiences and cooperation among States and between States and civil society.

Human Rights Council

In 2011, the Human Rights Council held four special sessions (compared with two in 2010) to deal with the human rights situations in Libya and Syrian Arab Republic. It held three regular sessions for a total of 10 weeks; two weeks of meetings of the Human Rights Council Advisory Committee; and four weeks of meetings of the HRC Complaints Procedure. OHCHR provided substantive support to all of these sessions.

Representatives from six countries discuss formulas for ratification during a seminar on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

On 3 and 4 November, representatives of the six countries covered by the Regional Office for South America shared ideas and experiences in a seminar on “The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: Content and scope.” The purpose of the activity was to provide support and technical assistance to participating States to promote the process of ratification of the Optional Protocol. The event was organized by the Regional Office with the participation of the Institute for Human Rights Policy of MERCOSUR (Southern Common Market) and was attended by the human rights directors of various foreign ministries or human rights secretariats, as well as parliamentarians from Argentina, Brazil, Chile, Peru, Uruguay and Venezuela.

“The model chosen is very interesting, as it involved the Executive Powers as well as Parliaments, because these types of issues should be constructed as State policies rather than just Government policies,” said Victoria Balthar, International Advisor for

Brazil’s Human Rights Secretariat. Participants had the opportunity to analyse the content of the Optional Protocol to the ICESCR and discuss the State’s role in the promotion and specific protection of the rights related to basic needs like food, housing, education, water, employment, social security and cultural life, among others. OHCHR recalled that the Convention has not met the necessary ratifications to enter into force and that the region plays a key role in addressing this challenge. Latin America has been a major proponent of the instrument and out of the existing seven ratifications, four are in the region. OHCHR consequently decided to summon representatives of the countries covered by the Regional Office for South America to share the experience of those who had made progress in this area and provide opportunities for collaboration in efforts towards ratification.

While praising the structure of the workshop, the representative of the Venezuelan Foreign Ministry, Ileana Gomez, said, “it is interesting to see how we are all looking for our own formula for ratification. We are not

the only ones facing this challenge and each country has its legislative peculiarities. There is no single model; each country must find its own dynamic.” During the meeting, participants agreed on the need to broaden the perspective of human rights in the region, which tends to be limited to civil and political rights. “In our countries, human rights remain connected only to the problems we had during dictatorships. We must work to see that economic, social and cultural rights are also seen as human rights and we must work to install them on the agenda,” said Uruguayan Member of Parliament Pablo Iturralde. Meanwhile Constance Argentieri, a representative of MERCOSUR’s Institute for Human Rights Policy, said “this type of event is a reminder that social rights are human rights and it helps to create the necessary bridge to social policies. We have to further strengthen these channels of dialogue between States, international organizations and human rights protection systems, while continuing to generate joint positions of the South American block at the international level.”

Universal Periodic Review

By the end of October 2011, all 193 Member States had been reviewed in the UPR with a 100 per cent participation rate. Of these, 80 per cent were represented at the ministerial level, highlighting the importance States attached to the process.

The first cycle of the UPR, which was officially concluded in March 2012, took stock of the human rights situations in all Member States and provided recommendations on ways in which they can be addressed. States and stakeholders from 158 countries built their capacity to prepare inputs and reports through, inter alia, 25 interregional, regional and national workshops organized by OHCHR.

In close to 40 countries, UPR recommendations were specifically followed up with national plans of actions/frameworks/road maps on implementation elaborated, with OHCHR's support in, inter alia, Armenia, Belarus, Guinea, Kazakhstan, Kenya, Madagascar, Mongolia, the Republic of Moldova, Rwanda, Sierra Leone, Somalia and Togo.

Preparations for the second cycle of the review began in Djibouti, Spain, Thailand and Tunisia. OHCHR organized four pre-session briefings on the modalities for the second cycle, allowing States to discuss the preparation of national reports and the follow-up to UPR recommendations. The briefings were attended by 210 participants, including Government officials and representatives of stakeholders, NHRIs and UN agencies.

Special procedures

OHCHR continued to support the work of special procedures mandates (36 thematic and 10 geographically related as of 31 December 2011, including six five-member working groups). The special procedures are essential in providing the Council with timely and reliable information, including at its special sessions.

In 2011, the Council established a working group on transnational corporations and other business enterprises; a Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; an Independent Expert on Côte d'Ivoire; a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; and an Independent Expert on the promotion of a democratic and equitable international order. At its 18th special session, the Human Rights Council also created a Special Rapporteur on the situation of human rights in Syria whose work will start once the mandate of the

commission of inquiry is concluded. The Council also expanded the scope of the mandate on toxic waste to encompass the human rights implications of environmentally sound management and disposal of hazardous substances and wastes.

The number of States which issued standing invitations to special procedures steadily increased in 2011 to a total of 90 States, compared to 78 at the end of 2010. Special procedures issued 604 communications in 2011, the same as in 2010. The number of visits to States increased to 82, compared to 67 in 2010. Each visit resulted in a set of recommendations for the respective State to follow up on in order to demonstrate its commitment to international human rights undertakings and the protection of rights-holders. This indicated the increasing interest of States to engage with the special procedures.

Following its country visit to the United States of America in 2009, the Working Group on the use of mercenaries recommended, inter alia, that the Government "carry out prompt and effective investigation of human rights violations committed by private military and security companies and prosecute alleged perpetrators" and "ensure that the United States criminal jurisdiction applies to private military and security companies contracted by the Government to carry out activities abroad." In 2011, the United States Government reinstated the case against former employees of the private military and security company, Blackwater, who were charged with the killing of civilians in Baghdad in 2007. Draft legislation was introduced in the United States Congress (the Civilian Extraterritorial Jurisdiction Act (CEJA)), to extend United States criminal jurisdiction to non-Department of Defence contractors working for the United States abroad. If adopted, CEJA will be a positive step towards implementing the recommendations of the Working Group on the use of mercenaries.

Mauritania implemented the recommendation of the Special Rapporteur on contemporary forms of slavery by enforcing the 2007 Anti-Slavery Law. Six persons were tried and convicted for slavery practices on the basis of this Law. This was the first trial and conviction for slavery in Mauritania. The Office provided advice to the NGOs that initiated the judicial process and strongly advocated for the full implementation of the Law.

To abolish the practice of secret detentions and strengthen independent domestic and international monitoring mechanisms in relation to domestic detention facilities in Tunisia, the Special Rapporteur



The Special Rapporteur on the human right to safe drinking water and sanitation, Ms. Catarina de Albuquerque, meets with a member of an indigenous community during her mission to the United States of America, February 2011.

on the promotion and protection of human rights and fundamental freedoms while countering terrorism recommended during his May 2011 follow-up visit to Tunisia that the Government accept the OP-CAT. Tunisia acceded to the OP-CAT on 29 June 2011. In the same month, it also acceded to the first Optional Protocol to ICCPR and the Rome Statute of the International Criminal Court and ratified the ICPPED.

Following visits to Colombia and Viet Nam undertaken by the Independent Expert on minority issues in 2010, these Governments took the opportunity in March 2011 to update the Independent Expert and the Human Rights Council on their activities to promote and protect the rights of minorities. The Government of Colombia highlighted the adoption of legal mechanisms and policy measures since the visit to foster dialogue and consultations with Afro-Colombian and other disadvantaged communities in addition to new policies for social and economic inclusion, access to land and justice and compensation for victims of violence. The Government of Viet Nam acknowledged the challenges facing minorities and committed to continue working with the Independent Expert in relation to areas such as development, education and health.

In a joint urgent appeal sent to the Government of Afghanistan on 14 January 2011, the Chair-Rapporteur of the Working Group on arbitrary detention, the

Special Rapporteur on extrajudicial, summary or arbitrary executions, the Independent Expert on minority issues, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on torture expressed their concern about the detention of two Christian converts. It was feared that in one case the person concerned would face the death penalty on charges of apostasy. Although the second case was dismissed, the individual remained in detention. No official response to the communication was received, but information received indicates that the two individuals have now been released.

In 2011, 11 States extended standing invitations to the special procedures in conjunction with their review under the UPR (India, Japan, Lebanon, Madagascar, Marshall Islands, Nauru, Palau, Panama, PNG, Rwanda and Thailand). Panama extended a standing invitation to special procedures and established an inter-institutional commission to follow up on the recommendations formulated by international human rights mechanisms. The Office advocated with the Ministry of Foreign Affairs for the implementation of these recommendations, as well as to ensure the participation and inclusion of civil society organizations, and provided technical inputs to the presidential decree establishing the commission.

Tunisia similarly issued a standing invitation during the high-level segment of the Human Rights Council in February 2011. Five country visits were undertaken

by the special procedures thematic mandate-holders in 2011 as a result of recommendations of the UPR. These visits contributed to more effective follow-up to the recommendations of special procedures and the UPR and led to thematic reports that will be relevant to the UPR second cycle.

Advocacy efforts of the Office led to Cameroon's invitation to three special procedures mandate-holders (water and sanitation, freedom of expression and minorities). Regrettably, these missions could not take place during the period under review as the mandate-holders were unavailable. Kiribati issued an invitation to the Independent Expert on water and sanitation to visit as did the Solomon Islands in respect of the Special Rapporteur on violence against women.

Treaty bodies

OHCHR supported the work of the 10 human rights treaty bodies. In 2011, the treaty bodies with a State Party reporting procedure received a total of 118 State Party reports, including 10 common core documents. Technical advice on the common core document, treaty specific guidelines, reporting, individual communications and follow-up to recommendations was provided by OHCHR to: Afghanistan, Belize, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Croatia, Djibouti, Gambia, Honduras, Lao PDR, Kenya, Kyrgyzstan, Mauritania, Mexico, Niger, Oman, Paraguay, Peru, Rwanda, Sao Tomé and Príncipe, Serbia, Seychelles, Singapore, South Africa, Thailand, the former Yugoslav Republic of Macedonia, Turkmenistan, Uganda, United Arab Emirates and Viet Nam. In 2011, approximately 20 reports were submitted as a direct result of OHCHR's support.

During 2011, the capacity to draft common core documents and understanding of the relatively new working method of issuing lists of issues prior to reporting (which was adopted by the Committee on Migrant Workers in April 2011, following the practice established by CAT in 2007 and the Human Rights Committee in 2009) was substantially increased in several European countries. The Office contributed to this result, inter alia, by organizing briefings on this subject for 27 countries, namely: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Italy, Liechtenstein, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Spain, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom.

The treaty bodies adopted concluding observations on approximately 120 reports of States Parties. The Committees of CERD, CAT, ICCPR and CEDAW examined and adopted final decisions on 232 communications and issued close to 45 requests for interim protective measures in cases where lack of such protection could lead to irreparable harm for the alleged victims. Committee members were in contact, and held meetings, with the representatives of more than 10 States Parties concerning measures undertaken in response to findings of violations of CAT, CEDAW and ICCPR.

With the support of OHCHR, the Committee on Enforced Disappearances held its first session in November. The CRPD Committee considered its first State Party reports, namely: the initial reports of Spain and Tunisia. The SPT carried out three country visits to: Ukraine (May 2011); Brazil (September 2011); and Mali (December 2011). During the visits, the SPT met with national authorities and representatives of civil society and visited a number of police stations, prisons and juvenile detention centres, as well as mental health institutions. These visits resulted in recommendations to the authorities regarding effective safeguards against the risk of torture and ill-treatment in places of deprivation of liberty.

In order to support follow-up to CERD concluding observations, a seminar was organized by OHCHR in South Africa for representatives from Botswana, Namibia, South Africa, Zambia and Zimbabwe. The seminar deepened the understanding of delegates on specific issues relating to racial discrimination as defined in ICERD. Participants committed to following up on recommendations made by the CERD Committee and affirmed the importance of exchanging achievements, challenges and good practices in the implementation of its recommendations. OHCHR advocated for the creation of inter-ministerial structures or supported existing structures in submitting information to the human rights mechanisms and/or in following up on recommendations issued by the human rights mechanisms in: Belize, Cameroon, Congo, Costa Rica, Ethiopia, Gabon, Haiti, Madagascar, Panama, Sao Tomé and Príncipe, Serbia and Vanuatu. In Costa Rica, in response to a UPR recommendation, an inter-institutional committee was established through a presidential decree. The Office advocated with the Ministry of Foreign Affairs for the establishment of the committee and provided inputs to the drafting of the decree.

OHCHR supported the elaboration of national plans of actions, frameworks or road maps for the

implementation of recommendations deriving from all human rights mechanisms in: Bolivia, Burkina Faso, Cameroon, Cape Verde, Gabon, Honduras, Malaysia, Paraguay, Sao Tomé and Príncipe and Tajikistan. Two regional workshops on strengthening national implementation of recommendations of the treaty bodies, special procedures and UPR were organized in Brussels in March for representatives from Governments, NHRIs and CSOs from 24 European countries, namely: Albania, Cyprus, Czech Republic, Finland, France, Germany, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom; and in Belgrade in December for: Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey.

Information technology tools were created to facilitate the implementation of recommendations by providing easy public access to them. In Mexico, OHCHR launched, together with the Foreign Ministry and the *University Centro de Investigación y Docencia Económicas A.C.*, an online search tool (<http://recomendacionesdh.mx>) which contains 1,496 human rights recommendations addressed to Mexico from international and regional human rights mechanisms. In Paraguay, a searchable internet portal was created for the same purpose. In Serbia, with the support of OHCHR and OSCE, a “Model for Implementation of the United Nations Treaty Body Decisions on Individual Cases” was developed and presented by the Ministry of Human Rights, State Administration and Local Self-Governance to relevant institutions.

CRPD expert Ms. Degener and inclusive education

Theresa Degener was born into this world without arms. She has learned to do everything with her feet. Needless to say, in carrying out her daily routine, she sometimes draws people's attention. “I have a visible and exotic disability. It makes me look different and that's a plus,” she says, revealing her sense of humour. Degener is an energetic person whose condition led her to become an advocate for the rights of the disabled. A Professor of Law and Disability Studies in Germany, Degener is also a member of the UN Committee on the Rights of Persons with Disabilities.

The Committee monitors national-level implementation of the Convention on the Rights of Persons with Disabilities, which came into force in 2008, and commits States Parties to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of persons with disabilities and promote respect for their inherent dignity. Degener contributed to the preparation of the background material used in the drafting of the Convention and took part in the negotiation process leading to its adoption.



She recounts her experience growing up, the youngest of six children, in a small village in Germany. “My father was the doctor of the village,” she says. “When it was time for me to go to school, the authorities informed him that, according to the law, I had to go to a special school.” ‘Take me to prison,’ her father told the authorities, ‘but my daughter will go to regular school.’ “He even threatened not to treat the Mayor's children when they got sick if the authorities did not reconsider!” Degener said, smiling. Degener was admitted to regular school. “I have always attended regular schools,” she says. “If it were not for my parents and the opportunity I had to go to a regular school, I would not have become a lawyer.”

Inspired by her personal experience, she now focuses on the rights of disabled children to receive a proper and inclusive education. Special schools are often established based on the belief that persons with disabilities are uneducable or a burden on the mainstream educational system. The practice of separating students with disabilities can lead to their greater marginalization from society, a situation that persons with disability face generally, thus entrenching discrimination. “Special education is less qualified than mainstream education,” says Degener. “Exclusion from the education system is a serious violation of human rights.”

Indicators for civil, cultural, economic, political and social rights were developed in Bolivia, Ecuador, Kenya, Mexico, Nepal, Serbia and the United Kingdom in the context of follow-up to recommendations from human rights mechanisms, national human rights action plans, development plans and/or the strengthening of capacity for human rights implementation. The methodology for these indicators was developed by OHCHR and they are increasingly recognized as an important practical tool for enhancing systematic implementation and follow-up to recommendations issued by treaty bodies, special procedures and the UPR. An increasing number of Government agencies, national and regional human rights institutions follow the OHCHR methodology for human rights indicators to implement and mainstream human rights.

Civil society engagement with human rights mechanisms

EA 7 - Increased number and diversity of rights-holders and national human rights institutions and civil society actors acting on their behalf, making use of United Nations and regional human rights mechanisms and bodies

OHCHR continued to promote and facilitate interaction between NHRIs and civil society actors and UN human rights mechanisms and bodies. Civil society participation in the Human Rights Council increased in 2011 as shown, inter alia, by an increased number of side events organized by civil society (260 events compared to 202 in 2010); and maintenance of the number of submissions of written statements (286 in 2011, 282 in 2010).

NHRIs and CSOs were given increased access to information and improved knowledge of and capacity to interact with human rights mechanisms and bodies throughout the year. OHCHR contributed to this by developing and updating training materials and making public information on the human rights mechanisms available through NHRI networks and Civil Society Section broadcasts (i.e., weekly notes and newsletters) and other means. In 2011, the Civil Society Section held at least 50 briefings and capacity-building sessions with civil society in Geneva, distributed approximately 10,000 copies of OHCHR's civil society handbook and disseminated nearly 300 human rights updates through its global e-mail broadcast system, which includes 2,700 subscribers to broadcasts which are specifically designated to share information from the human rights mechanisms. As a result, a growing interest in the

work of the human rights mechanisms can be observed: the number of subscribers to OHCHR's updates increased by 700 in 2011; and in less than three years, the number of organizations requesting such information increased from approximately 300 (exclusively NGOs with ECOSOC status) to just under 3,000 organizations and individuals.

The UN Voluntary Trust Fund for Indigenous Populations continued to support indigenous participation in the session of the Permanent Forum on Indigenous and the Expert Mechanism on the Rights of Indigenous Peoples. In July, the mandate of the Fund was expanded to support participation in human rights treaty body sessions and the Human Rights Council. The Office actively called for applications to the various sessions and substantial participation of indigenous representatives was secured in the 18th session of the Human Rights Council and a session of the Committee on Economic, Social and Cultural Rights.

The Human Rights Council has expressed an interest in giving more visibility to, and ensuring the enhanced participation of, various stakeholders in the UPR process. To contribute to this objective, the Office has more closely involved NHRIs and representatives of civil society in briefings organized in relation to the preparation for the UPR process. Regional and national human rights NGOs in North-East Asia organized a forum to follow up on the UPR recommendations. As an outcome of the forum, with the support of OHCHR, an NGO network was established, which has already initiated discussions on recent developments related to the abolition of the death penalty in Japan and Mongolia.

Also in 2011, an increased number of national civil society submissions were submitted to the UPR, treaty bodies (especially CEDAW) and regarding individual cases (i.e., from the Pacific). To contribute to the achievement of this result, OHCHR provided capacity-building trainings on engaging with the different human rights mechanisms and advocating for implementation of recommendations to civil society organizations from: Argentina, Bolivia, Brazil, Cambodia, Chad, Chile, Ecuador, El Salvador, Fiji, Honduras, Kiribati, Kosovo, Madagascar, Mauritania, Mexico, Nepal, Occupied Palestinian Territory, Papua New Guinea, Paraguay, Peru, Sierra Leone, Solomon Islands, Sudan, Tajikistan, Tonga, Uganda and Vanuatu.

In 2011, the treaty bodies received nearly 710 submissions from civil society actors, compared to 680 submissions in 2010.

International and regional laws and institutions

EA 8 - Advances in the progressive development of international and regional human rights law in selected areas of focus

OHCHR continued to support the standard-setting activities of the UN human rights bodies.

On 19 December 2011, the General Assembly adopted the Optional Protocol to the CRC, permitting the Committee to receive and consider individual and inter-State communications and undertake inquiries. OHCHR supported the Intergovernmental Working Group that prepared the draft, including by sharing information with the Working Group on existing communications procedures and advising on good practices. When article 77 of the ICMRW and the OP-ICESCR come into force, all treaty bodies (except for the Subcommittee on Prevention of Torture (SPT)) will be able to receive individual communications; representing a significant step forward in improving human rights protection.

General comments adopted by treaty bodies are meant to provide assistance and clarification to States Parties with regard to treaty provisions. They provide detailed and expert clarity that enhance the understanding of treaty provisions. General comments are therefore authoritative statements to assist States in implementing their treaty obligations. OHCHR substantially contributes to these by providing experts with legal research, including for example:

- ▶ In February 2011, the Committee on the Rights of the Child adopted General Comment No. 13 on the rights of the child to freedom from all forms of violence. In September 2011, the Committee held a day of general discussion on the rights of children of incarcerated parents.
- ▶ In August, the CERD Committee adopted its General Recommendation No. 34 on racial discrimination against people of African descent following a day of thematic discussion on racial discrimination against people of African descent held in March 2011.
- ▶ In July, the Human Rights Committee adopted General Comment No. 34 on freedom of opinion and expression, providing the most up-to-date understanding of this freedom in light of the considerable jurisprudence the Committee has developed in this area.
- ▶ In November, the CAT Committee held a public consultation on its draft general comment on article 14 of the Convention (right to redress and adequate compensation of victims of torture).



Presentation of the report of the Special Rapporteur on the right to health on his mission to Guatemala.

- ▶ The Committee on Migrant Workers began developing General Comment No. 2 on the human rights of migrant workers in an irregular situation and members of their families with a view to improving understanding of the obligations of States Parties under the Migrant Workers Convention. A first draft will be discussed by the Committee at its 17th session in September 2012.

Various experts presented proposals on, and practical suggestions for, improved implementation of international human rights standards related to the prohibition of incitement to national, racial or religious hatred, as outlined in the ICCPR. This was the result of a series of expert workshops on the prohibition of incitement to national, racial or religious hatred organized by OHCHR in Bangkok, Nairobi, Santiago de Chile and Vienna. Together, the four workshops gathered 45 experts from different backgrounds and approximately 150 representatives from States and civil society, as well as UN departments, programmes and specialized agencies who participated as observers. The Special Rapporteurs on freedom of religion or belief, on the promotion and protection of the right to freedom of opinion and expression and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, participated in and presented four joint submissions. To take stock of these rich results, OHCHR will convene a final expert meeting in the second half of 2012 and will subsequently produce a report for the consideration of all stakeholders.

The members of the Working Group on the use of mercenaries participated as resource persons in the Open-ended Intergovernmental Working Group

(IGWG) held from 23 to 27 May 2011. The Working Group met to consider the possibility of elaborating an international regulatory framework, including, inter alia, the possibility of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies, taking into consideration the principles, main elements and draft text proposed by the Working Group. The Working Group proposed a list of elements that could be included in a convention on private military and security companies and developed a draft text. The first session of the IGWG was attended by representatives from 70 Member States, the African Union, the European Union and various NGOs. The majority of stakeholders agreed on the need for the regulation of private military and security companies. Discussions will continue at the second session of the IGWG in 2012.

The 2011 report to the General Assembly on solitary confinement by the Special Rapporteur on torture contributes to the discussion of the definition of solitary confinement and prolonged solitary confinement and concludes that depending on the specific reason for its application, conditions, length, effects and other circumstances, solitary confinement can amount to torture or cruel, inhuman or degrading treatment or punishment. The report also highlights a number of general principles and internal and external safeguards to help guide States in re-evaluating and minimizing the use of solitary confinement and, in certain cases, abolish its use.

OHCHR provided substantial support to the Bureau of the Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons and ensured a strong human rights agenda in the Working Group's two sessions (April and August 2011). The mandate of the Open-ended Working Group is to consider the existing international framework of the human rights of older persons and identify possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.

OHCHR provided support to the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises in the preparation of the Guiding Principles on Business and Human Rights, which were endorsed by the Human Rights Council in resolution 17/4. To support the effective implementation of the Guiding Principles, OHCHR produced an interpretive guide on the corporate responsibility to respect human rights. In collaboration with the Global Compact Office,

OHCHR produced a revised online learning tool on business and human rights and a guide for business enterprises on the development of corporate human rights policies.

OHCHR continued to support the intergovernmental Open-ended Working Group on the Right to Development, including through follow-up to the recommendations made at its 12th session held in November 2011.

In December, the Human Rights Council and the General Assembly adopted the United Nations Declaration on Human Rights Education and Training. It is the first UN instrument exclusively devoted to human rights education and training. OHCHR supported the Human Rights Council's initiative to develop the Declaration.

OHCHR continued to strengthen cooperation with regional human rights organizations. The Office supported the development of human rights mechanisms for the Association of Southeast Asian Nations (ASEAN). The OHCHR South-East Asia Regional Office was among the first UN agencies to be invited to hold a meeting in July with the ASEAN Intergovernmental Commission on Human Rights (AICHR) to agree on areas of support and collaboration in the context of AICHR's five-year workplan. This meeting was followed by interaction with the High Commissioner in November. The Regional Office has subsequently engaged with AICHR on important activities, such as the drafting of an ASEAN Human Rights Declaration, which is due to be adopted in 2012. OHCHR advised the African Commission on Human and Peoples' Rights in the elaboration of its Principles and Guidelines on Economic, Social and Cultural Rights, which were adopted in October. In November, a regional workshop was organized with the Inter-American Commission on Human Rights (IACHR), with a focus on the prevention of torture and the protection of its victims. Another meeting between OHCHR, IACHR, members of CAT and the SPT, as well as the Special Rapporteur on torture and the IACHR's Special Rapporteur on persons deprived of liberty was held to discuss ways to increase cooperation, collaboration and maximize impact. OHCHR held its 5th annual meeting with colleagues from the Council of Europe to improve information exchange and closer cooperation on a number of thematic issues.

As of October 2011, the Kampala Convention, the first legally binding regional instrument specifically focused on the protection of, and assistance to, IDPs in Africa, had 33 signatures and 13 of the 15 ratifications necessary for it to enter into force.

Over the course of 2011, the Special Rapporteur on the human rights of IDPs, supported by OHCHR, engaged closely with regional organizations in Africa for the national-level promotion, ratification and implementation of the 2009 Convention. In this context, the Special Rapporteur participated in numerous regional consultative meetings, workshops and high-level meetings, such as the first ECOWAS Ministerial Conference on Humanitarian Assistance and Internal Displacement in West Africa in July 2011 in Abuja, Nigeria and the Summit of Heads of States of the International Conference for the Great Lakes in Kampala, Uganda in December.

Coherence among human rights mechanisms

EA 9 - Enhanced coherence and consistency in the system of human rights mechanisms

OHCHR continued to facilitate dialogue among stakeholders aimed at developing proposals for strengthening the treaty body system. Through consultations organized by the Office, all major stakeholders (treaty body experts, States, NGOs, NHRIs, academics and UN agencies) provided input into this process which will culminate in a compilation of proposals that will be presented in a coherent framework by the High Commissioner in 2012.

As part of the harmonization process, treaty bodies continued refining the follow-up procedures to its concluding observations, decisions on individual communications and visits. The Human Rights Committee adopted a new format for its follow-up report. The Subcommittee on Prevention of Torture adopted a follow-up procedure regarding visit reports and established working groups on follow up to visits. Furthermore, as noted above, the Committee on Migrant Workers adopted the “list of issues prior to reporting” procedure, following the practice of CAT and the Human Rights Committee.

All treaty body chairpersons now interact with the Third Committee of the GA. This came about following a review by States of the traditional text of the resolutions related to CEDAW and the two Covenants and advice provided by OHCHR. Progress was also made regarding the idea that the resource questions of treaty bodies be consolidated into one functional resolution. This initiative is in line with OHCHR’s continued efforts to make efficient use of its resources to support the human rights mechanisms, including by encouraging them to improve coordination and harmonize their working methods. Induction sessions for newly appointed treaty body experts and special procedures mandate-holders have become routine.

OHCHR provided support to the 23rd annual meeting of chairpersons of the human rights treaty bodies (30 June and 1 July 2011) and the 12th inter-committee meeting (27 to 29 June 2011). The chairpersons considered a table which recorded implementation of recommendations that have been adopted by the inter-committee meeting since its first session. In this respect, concerns were raised about the low level of implementation, especially those pertaining to the harmonization of working methods. In addition, the chairpersons discussed the challenges resulting from limited financial resources and expressed concern that the thematic focus of the meeting of chairpersons and the inter-committee meeting were increasingly overlapping. The meeting agreed that the inter-committee meeting should be abolished in its current format. Instead, ad hoc thematic working groups would be established at the request of the chairpersons. Such working groups would discuss issues of common interest, including the harmonization of treaty body jurisprudence.

The joint meeting of the 17th meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures with chairpersons and members of treaty bodies discussed a compilation of good practices of cooperation. It adopted joint recommendations in this respect, including on mutual follow-up and cross-referencing, holding of regular joint meetings and the timely sharing of workplans, as well as joint advocacy for the ratification of treaties.

In order to encourage enhanced coherence and consistency of the work of special procedures, OHCHR supported the implementation of the decision of the Coordination Committee of the special procedures to issue a single communications report, the first of which was submitted to the 18th session of the HRC in September 2011.

Universal Human Rights Index

OHCHR continued to manage the Universal Human Rights Index (www.uhri.ohchr.org), an electronic tool compiling recommendations from the treaty bodies, special procedures and the UPR. The web page was recently upgraded and is now available in all official languages of the United Nations and for persons with disabilities. By enabling users to analyse and compare the recommendations of the three human rights mechanisms mentioned above, the Index will assist States in adopting a coordinated approach to the implementation of recommendations, facilitate follow-up and simplify the work of those who use the conclusions and recommendations.

The report will be submitted to each session of the Council and will streamline documentation, avoid duplication and allow for strengthened and more targeted follow-up. Of the 604 communications sent in 2011, 452 were joint communications that two or more mandate-holders signed. The percentage of joint communications has increased from 60 - 66 per cent in recent years to 75 per cent in 2011.

OHCHR worked with the Project Appraisal Committee of the UN Trust Fund to End Violence against Women to encourage applications related to the implementation of the recommendations of the CEDAW Committee and the Special Rapporteur on violence against women. As a result, specific reference is made to these mechanisms in the Call for Proposals which went out in November 2011.

Responsiveness of the international community

EA 10 - Increased responsiveness of the human rights system, in particular the Human Rights Council, to chronic and urgent human rights situations and any other emergencies, including in thematic areas and to emerging issues

The Human Rights Council responded to several human rights crises in 2011, holding four special sessions on the human rights situation in Libya and Syria. With the support of OHCHR, the Council established commissions of inquiry on Côte d'Ivoire, Libya and Syria to investigate violations of international law and to recommend actions. Following the 16th special session, OHCHR set up a fact-finding mission on Syria, as requested by the Human Rights Council in its resolution S-16/1. In June 2011, the Council adopted resolution 17/24 in

which it requested OHCHR to monitor and report on the human rights situation in Belarus.

OHCHR also provided support to an increasing number of panel discussions of the Council (six for the 18th session) addressing specific and emerging human rights issues, including the rights of victims of terrorism, the human rights aspects of terrorist hostage-taking, children working and/or living on the street, violence against women, integration of a gender perspective into the work of the Council, the right to adequate health of older persons, the role of international cooperation for the rights of persons with disabilities, languages and cultures of indigenous peoples, best practices in the fight against racism, the human rights of people of African descent, the promotion of a culture of tolerance and peace and the realization of the right to development.

In July 2011, the Commentary to the Declaration on Human Rights Defenders was released, which aims to “enhance States’ understanding of the responsibilities contained in the Declaration and to increase awareness among relevant non-State actors that can contribute to the development of a conducive environment for the work of defenders.” The Commentary which is being used by NGOs, including human rights defenders, consolidates positions taken by the current and previous mandate-holders in their respective reports. The Euro-Mediterranean Human Rights Network has translated the Commentary into Arabic and the OHCHR Office in Guatemala will translate the Commentary into Spanish during the first half of 2012.

Challenges and lessons learned

Over the previous biennium, OHCHR provided substantive support to the Human Rights Council, in particular in its review process, and advocated for the Council to enhance its ability to address chronic and urgent human rights situations, inter alia, through cooperation with other human rights mechanisms and bodies. In its resolution A/RES/65/281, the General Assembly decided to align the annual cycle of the Council with the cycle of the General Assembly. This clarifies the relationship between the two bodies and facilitates a timely response to Council decisions and resolutions with urgent financial implications.

The review of the Human Rights Council also provided guidance to the 2nd cycle of the UPR on the need to strike a balance between reviewing the implementation of recommendations and the

Arbitrary deprivation of liberty database

During its 20th Anniversary Commemorative Event in Paris on 14 November 2011, the United Nations Working Group on arbitrary detention launched a database freely and publicly available in English, French and Spanish at www.unwgadatabase.com containing over 600 opinions adopted since the 1991 establishment of the Working Group. Users are able to search the Working Group’s materials by theme, legal provisions, States, date of adoption of opinions, etc. The database provides a practical tool for victims, lawyers and academics in preparing and submitting cases of alleged arbitrary deprivation of liberty to the Working Group.

consideration of new developments. The UPR has gathered large support from different constituencies. It also poses several challenges, including as a result of the growth in the number of its recommendations and those of the UN human rights mechanisms which are sometimes duplicative or contradictory. OHCHR is therefore encouraging a coordinated approach by States to establish and/or strengthen new/existing coordination mechanisms to meet their reporting obligations and prioritize and implement recommendations deriving from all human rights mechanisms in a holistic manner.

The Human Rights Council review reaffirmed the obligation of States to cooperate with special procedures and urged States to cooperate with and assist special procedures and carefully study their recommendations. Special procedures are requested to foster a constructive dialogue with States, formulate their recommendations in a concrete way and pay attention to technical assistance needs in their reports. In addition, the outcome of the review indicates that the Council should continue to provide a forum to discuss cooperation between States and special procedures. The review process also highlighted the need for more transparency, in particular with regard to the selection process.

The review also calls on the Council to streamline its requests to special procedures, in particular regarding reporting, to ensure meaningful discussion on the reports. Ensuring implementation of, and follow-up to, the recommendations of special procedures remains another important challenge against which the efficiency and impact of special procedures is to be assessed.

Since the High Commissioner initiated an open process of reflection on how to strengthen the treaty body system, nearly 20 consultations were organized by different stakeholders in 2010 and 2011. The ultimate objective of the process is to improve the national-level impact of treaty bodies on



National Conference on the Universal Periodic Review in Sierra Leone, November 2011.

rights-holders and duty-bearers by strengthening their work while fully respecting their independence. As a first step, the process sought to heighten awareness among all stakeholders of the challenges facing the system and warn that a weakened treaty body system would have a far-reaching, detrimental effect on its immediate beneficiaries and the entire UN human rights machinery, including the UPR. The process also sought to bring about gradual improvements and the harmonization of working methods by the treaty bodies and to OHCHR in its support to treaty bodies; a process which is well underway. Lastly, the process aimed to secure the necessary resources to support the work of the treaty bodies and identify cost saving possibilities. In this context, OHCHR sought to raise awareness among States that the approach of “absorbing new mandates within existing resources” is not sustainable. Advances have been made towards achieving all of these objectives. In 2012, the High Commissioner will publish a compilation report of the proposals made throughout the process.