

OHCHR in the field: Americas



Type of presence	Location
Country offices	<ul style="list-style-type: none"> Bolivia Colombia Guatemala Mexico
Regional offices	<ul style="list-style-type: none"> Central America (Panama City, Panama) South America (Santiago de Chile, Chile)
Human rights component in UN peace missions	<ul style="list-style-type: none"> Haiti
Human rights advisers in UN Country Teams	<ul style="list-style-type: none"> Ecuador Honduras Paraguay

During 2011, OHCHR maintained its 10 field presences in the Americas region: two regional offices (Panama City and Santiago de Chile); four country offices (Bolivia, Colombia, Guatemala, and Mexico); three human rights advisers (Ecuador, Honduras, and Paraguay); and one human rights component in a peace mission (Haiti), where OHCHR continued its leadership of the Protection Cluster in the context of the humanitarian response. As the presence of the Human Rights Adviser in Nicaragua was discontinued at the end of 2010, OHCHR covered human rights issues in the country from its regional office in Panama with the support

of the United Nations Country Team (UNCT), which maintained a Human Rights Officer for most of the year. The Americas Section provided substantial and administrative support to all the field presences and supported the work of the Independent Expert on the situation of human rights in Haiti.

OHCHR's work in the Americas continued within a background of overall stable democracies and solid legal frameworks for the protection of human rights and in which the human rights community continued to play a critical role in the consolidation of national and regional protection systems. In this context, OHCHR's support was sought by both States and civil society. Nevertheless, growing levels of insecurity and violence, including against women, together with prevailing deficiencies in the justice administration system and widespread impunity, posed increasing threats to democratic and human rights gains and political stability. Exclusion continued to disproportionately affect Afro-descendant populations and indigenous peoples.

In economic terms, the impact of the global economic and financial crises were less prevalent in the Latin American region as poverty and inequality have been reduced in many countries, primarily due to a sustained commitment to the implementation of social policies that privilege social investment. OHCHR will continue to work supporting data collection and the use of indicators to promote and monitor equality and non-discrimination in the region in the context of pursuing economic, social and cultural rights, and combating discrimination and poverty.

Impunity and strengthening the rule of law remained priorities for OHCHR in the Americas, with a particular focus on transitional justice and freedom of expression. Work on protection mechanisms for journalists and human rights defenders was a major focus of attention. While important steps have been

taken in many countries to advance transitional justice, especially in the Southern Cone, judiciaries and law enforcement agencies throughout much of the region are in need of strengthening. Most of the work programmes of the field presences, supported by headquarters, therefore include a substantive component in supporting efforts to strengthen justice and the rule of law with an emphasis on transitional justice, impunity and the effective functioning of the justice system.

The response by States to the challenges posed by violence and insecurity has often been at odds with human rights principles. OHCHR has advocated for strengthening the ability of States to protect their populations and the adoption of human rights-based laws and policies to prevent the further erosion and violation of rights in the name of security. It has built on its previous work with regional and subregional organizations, as well as the 2009 Report on Citizen Security¹ and Human Rights, and the 2011 Report on Juvenile Justice, produced in partnership with the Inter-American Commission on Human Rights and UNICEF. OHCHR has worked with the Central American Integration System and the Institute of Public Policies in Human Rights of the Southern Common Market (MERCOSUR) to develop human rights-based security policies. Closely linked to its work on issues related to violence and insecurity and the rule of law, OHCHR has undertaken efforts at different levels to prevent torture, improve the situation of those deprived of liberty and promote penitentiary reform.

OHCHR has based its work on the promotion of a wider use of UN human rights mechanisms in Latin America, where there is a high rate of ratification of international human rights treaties, and on encouraging engagement with human rights mechanisms in the Caribbean and the United States, where ratification rates are lower and few national human rights institutions operate in compliance with the Paris Principles.

¹ "The concept of citizen security is the one that best lends itself to addressing the problems of crime and violence from a human rights perspective. In lieu of concepts such as 'public security,' 'internal security' or 'public order,' it represents an uncontroversial move towards an approach that focuses on building a stronger democratic citizenry, while making clear that the central objective of the policies established is the human person, and not the security of the State or a given political system. The expression 'citizen security' emerged, for the most part, as a concept in Latin America, as Governments made the transition to democracy, as a way to distinguish the concept of security under a democracy from the notion of security under the earlier authoritarian regimes. In the latter case, the concept of security was associated with concepts like 'national security,' 'internal security' or 'public security,' all of which refer specifically to the security of the State. Under democratic regimes, the concept of security against the threat of crime or violence is associated with 'citizen security' and is used to refer to the paramount security of individuals and social groups. By contrast to other concepts used in the region, namely 'urban security' or 'safe city,' citizen security refers to the security of all persons and groups, both urban and rural. Nevertheless, it is worth highlighting that the concept of 'public security' is still widely used in the United States and Canada to also refer to the security of the individuals and groups who make up society" (OEA/Ser.L/V/II. Doc.57, 2009, p. 7).

Country Offices

Bolivia

Year established	2007
Staff as of 31 December 2011	23
Expenditure in 2011	US\$1,334,547

Background

The country continued to advance through the transition process towards the implementation of the reforms envisaged by the 2009 Constitution. In this context, noteworthy progress was registered regarding policies and measures to eliminate racism and all forms of discrimination, including the creation of a plural and participative National Committee against Racism and All Forms of Discrimination and adoption of an action plan to fight those phenomena. The social programmes, together with other factors such as the country's economic growth, helped to reduce poverty, extreme poverty, maternal mortality rates and the number of school dropouts. These initiatives, however, have yet to address long-standing exclusion and discrimination affecting indigenous peoples and Afro-Bolivians, in particular women and girls in rural areas.

The existing crisis in the administration of justice worsened during 2011. The new judicial authorities, elected for the first time by popular vote on 16 October, face the challenge of implementing profound reforms designed to broaden access to justice, improve the judiciary's efficiency, strengthen its independence, reduce impunity and combat corruption among justice officials. Also noteworthy is the altered composition of the Judicial Body and the Plurinational Constitutional Tribunal, which now include, as a result of those elections, an intercultural and gender balance.

The realization of indigenous peoples' rights did not advance as expected particularly in relation to their right to consultation on projects or administrative and legislative measures that could affect them. Levels of violence against women continue to raise concern.

Within this framework, OHCHR-Bolivia continued to provide technical assistance and support to State authorities and civil society organizations aiming at contributing to the full implementation of the wide range of human rights guaranteed in the 2009 Constitution. The Office has built strong relationships



OHCHR staff monitoring a demonstration in Bolivia.

with different actors in the justice sector, allowing it to enhance its assistance and advocacy with the judiciary, the General Attorney's Office and the police on policies and measures addressing racism and discrimination, violence against women, as well as economic and social rights.

Results

National laws, policies and institutions (EA 1)

- ▶ The National Committee against Racism and All Forms of Discrimination was created with the support of OHCHR. Sixty-one institutions are members of the Committee, which is composed of State institutions at national, departmental and local levels, indigenous and Afro-Bolivian organizations, civil society organizations and others representing vulnerable sectors of the population, such as women, youth, children and adolescents, lesbian, gay, bisexual and transgender (LGBT) people and persons with disabilities. The Ombudsman and OHCHR-Bolivia participate as observers. The Committee held three sessions during which, amongst other things, it supervised the elaboration of its internal regulations and reviewed an assessment of the situation of racism and discrimination in the country, as well as its related plan of action against racism. With the support of OHCHR, the Committee also oversaw the establishment of a registry and monitoring system for complaints within the Vice-Ministry of Decolonization, which has received more than 139 complaints to date. Likewise, two departmental committees against racism and all forms of discrimination were created.
- ▶ In December 2011, the National Committee against Racism and All Forms of Discrimination adopted the plan of action against racism and all forms of discrimination in compliance with the Durban process and Bolivia's Law No. 045. This plan draws from a participative assessment on the

current situation of racism and discrimination that was initiated in 2010 and concluded in 2011. The Office provided technical and financial support to the Vice-Ministry of Decolonization for the elaboration of both the assessment and the plan.

- ▶ Following a request by the General Attorney, OHCHR-Bolivia submitted comments and recommendations concerning a bill presented by the General Attorney related to reform of the regulation and functioning of the General Attorney's Office. This bill was one of the inputs and proposals taken into consideration during the reform process of the Law of the General Attorney. As a result, another bill is now being discussed in the Plurinational Legislative Assembly.
- ▶ In coordination with OHCHR-Bolivia, the Vice Ministry of Equal Opportunities organized a three-day event on violence against women and femicide² which was attended by approximately 100 participants from civil society and the public sector. The event focused on the submission to the Legislative Plurinational Assembly of a bill on violence against women and a proposal to typify the crime of femicide in the Penal Code, which will be discussed in early 2012.
- ▶ The National Council for Afro-Bolivian People (CONAFRO) was established in September 2011 and soon after became a member of the National Committee against Racism and All Forms of Discrimination and the National Human Rights Council. OHCHR-Bolivia contributed to this result through the organization of workshops and seminars and by providing financial and technical support.
- ▶ In 2010, the Plurinational Legislative Assembly adopted Law No. 025 on the Judicial Body, which modified the structure of the judiciary and provided that the body of legislation concerning the administration of justice must be amended in line with the 2009 Constitution. To this end, various technical commissions began to work in 2011 on the reform of criminal, civil, labor, and agro-environmental laws and codes, among others. In addition, the Office provided technical assistance to the Judicial Body for the implementation of Law No. 025 and will continue supporting the work of the technical legislative commissions to finalize legislative reform proposals in 2012.
- ▶ A number of cases regarding human rights violations and the fight against impunity, including, *inter alia*, the trials for violent racist incidents that occurred in Sucre and the massacre of El Porvenir, both in 2008, were followed up by the Office. To this end, the Office attended more

than 90 hearings in different regions of the country and met with judges, public prosecutors, defence lawyers, defendants and victims. Legal opinions related to the above-mentioned cases were also prepared. In some instances, the interventions of OHCHR-Bolivia played a key role in increasing the protection of people at risk (*i.e.*, witnesses, victims or lawyers) or mitigating tension at hearings. Despite some progress made, most trials proceeded at a slow pace amidst continuous deferrals.

Justice and accountability mechanisms (EA 3)

- ▶ OHCHR-Bolivia conducted 60 field missions, for a total of 183 days, in all nine departments of the country. To a certain extent, these activities contributed to strengthening the knowledge of human rights international standards among rule of law institutions and enhancing the protection of victims of human rights violations. In one powerful example, this included the monitoring of an indigenous demonstration in defence of the Indigenous Territory and Natural Reserve Isiboro Sécuré (TIPNIS). This particular activity involved the presence of human rights officers for 45 out of the 60 days of demonstration.

Access to justice and basic services (EA 4)

- ▶ The Ministry of Education elaborated a Plurinational Action Plan on Human Rights Education in a participatory manner. A technical team was established, composed of the Ministry of Education, the Ministry of Justice, the Ombudsman and OHCHR-Bolivia. The team organized departmental consultations to elaborate a draft plan. Approximately 1,000 representatives of indigenous organizations, human rights and education non-governmental organizations (NGOs), public and private educational institutions, police, armed forces and other civil servants participated in the consultations. A first draft of the plan was publicly presented at a meeting in La Paz in December.

Participation (EA 5)

- ▶ OHCHR-Bolivia contributed to enhancing the visibility of the rights of indigenous peoples through monitoring activities. The Office's monitoring and advocacy activities contributed to the taking of office of two indigenous members in the Department Legislative Assembly (DLA) of Santa Cruz who had thus far been prevented from doing so by the majority of the DLA. Both members were elected through procedures that respected their traditions.

² Femicide refers to an extreme form of gender-based violence; the intentional killing of women for being women.

State engagement with human rights mechanisms (EA 6)

- ▶ OHCHR-Bolivia elaborated a comprehensive categorization of all the recommendations made by the international human rights mechanisms, including those resulting from the Universal Periodic Review (UPR), to facilitate the identification of priorities by the Bolivian State and civil society organizations. The Office made this tool available to the Ministry of Justice and will provide support to the Ministry in its efforts to prioritize and implement these recommendations in 2012.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ OHCHR-Bolivia supported the Coalition of Women (comprised of 15 women's organizations including five NGO networks) in regional workshops held to gather information for the elaboration of an alternative report to the Committee on the Elimination of Discrimination against Women (CEDAW). The workshops were held in all nine departments of Bolivia and each one gathered close to 60 participants. The alternative report will be submitted to the CEDAW Committee after the State Party report has been submitted.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ The 2013-2017 United Nations Development Assistance Framework (UNDAF) incorporates a human rights- and gender-based approach and was signed with the Bolivian Government on 16 January 2012 in the presence of the President. OHCHR-Bolivia actively participated in the meetings of the United Nations Country Team (UNCT) Inter-Agency Technical Group responsible for the evaluation of the current UNDAF and the elaboration of the new one.
- ▶ An inter-agency funding proposal was submitted to the UN-Indigenous Peoples' Partnership (UNIPP) to address the right to consultation and the extreme vulnerability of indigenous peoples' rights. The proposal has been approved by UNIPP. OHCHR-Bolivia actively participated in the UNCT's Inter-Agency Group on Intercultural Affairs by providing technical support and advice on indigenous peoples' rights and participating in the elaboration of the proposal.

Challenges and lessons learned

One of the main results achieved in Bolivia was in relation to the fight against racism and discrimination. The establishment of a National

Committee on Racism and Discrimination, in close cooperation with the Vice-Ministry of Decolonization, paved the way for a participatory assessment that led to the elaboration and adoption of a National Action Plan against Racism and All Forms of Discrimination. The Committee on the Elimination of Racial Discrimination has recommended this action multiple times over the past 40 years. The participation of different sectors from the public administration and civil society organizations enriched the content of both the assessment and the national action plan and also legitimated the elaboration of a public policy against racism and all forms of discrimination. It further allowed for the inclusion of a plurality of State organs and civil society organizations with specific responsibilities in the National Committee. Challenges in the coming years include the implementation of a national public policy and building the capacity to increase the visibility and address the exclusion of Afro-Bolivians and other vulnerable groups.

The implementation of UPR recommendations will be a main challenge in the coming years. Drawing from the lessons learned and following the revision of the UNDAF and its elaboration for 2013-2017, the Office decided to take a more proactive role vis-à-vis the different actors that will participate in the implementation process, particularly the UNCT. To facilitate the implementation process, the Office will also work with partners to prioritize and cluster the recommendations around key themes.

Bolivia: Expenditure in 2011		
	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	-	747,035
Consultants	-	134,277
Official travel	-	70,363
Contractual services	-	62,050
General operating expenses	-	74,005
Supplies & materials	-	9,209
Seminars, grants & contributions	-	84,076
Subtotal	-	1,181,015
Programme support costs	-	153,532
GRAND TOTAL	-	1,334,547

The National Committee against Racism and All Forms of Discrimination was created in February 2011. Over 120 representatives from civil society, indigenous organizations, vulnerable groups and civil servants from various Ministries, departmental and municipal authorities came together to discuss and take decisions on the fight against discrimination. For the first time in the history of Bolivia, a plurinational and intercultural body, chaired by the Vice-Ministry of Decolonization, became the main decision-making and deliberation body with regard to policies and programmes against racism and all forms of discrimination. The richness of the Committee comes from its wide representation and the equal participation of its members in the analytical and decision-making processes. In 2011, amongst other activities, the Committee's members coordinated the elaboration of an assessment on the situation of racism and discrimination and, based on the commitments undertaken by Bolivia during the Durban process, supervised the drafting of a plan of action. The Committee also mandated the Vice-Ministry of Decolonization to establish a unit to deal with complaints on racism and all forms of discrimination. The Committee's first year culminated with the adoption of a plan of action and the initial measures needed for its implementation.

OHCHR-Bolivia was involved throughout the process and worked side by side with the members of the Committee and the Vice-Ministry of Decolonization. The Office provided technical and financial support before and during the sessions of the Committee and cooperated in the implementation of its decisions.

significant piece of legislation adopted by Colombia to promote and protect the rights of victims of the armed conflict. The current challenge is to ensure that its practical implementation corresponds with the spirit of the law and will require a collective effort to which OHCHR-Colombia should make a contribution. On the other hand, land restitution processes for victims of land dispossession had the unintended effect of increasing the threats to their life and integrity.

Over the last 14 years, OHCHR-Colombia has made numerous widely recognized contributions in the field of technical cooperation and legal advice. The Office's impartial and respected position with the Government and civil society has enabled it to facilitate and foster dialogue between them, particularly in relation to sensitive issues. The Ministry of Defence accepted and used the international oversight mechanism provided by OHCHR to monitor implementation of the Ministry's measures designed to prevent extrajudicial executions and bring justice to identified cases. OHCHR also contributed to the implementation of the National Plan on Human Rights Education (PLANEDH). OHCHR facilitated a joint analysis of the strengths and weaknesses of national human rights institutions (NHRIs) in order to identify gaps in their protective role and strategies that will be implemented in the coming biennium. The cornerstone of the Office's many achievements has been its capacity to monitor human rights violations and breaches of humanitarian law. These independent monitoring activities have resulted in the recognition of the positive role of the Office, both nationally and internationally, and are considered to have had an important impact on the protection of the population from human rights abuses. Since 2011, two satellite offices located in Villavicencio and Pasto strengthened the presence of the Office in the field. Monitoring activities are also conducted through four sub-offices that are located in Bogota, Bucaramanga, Cali and Medellin.

Colombia

Year established	1997
Staff as of 31 December 2011	76
Expenditure in 2011	US\$8,987,341

Background

The year 2011 was marked by the adoption of important measures to improve the human rights situation in Colombia, although important human rights challenges must still be overcome in key areas, such as security, justice, impunity, the fight against discrimination and poverty reduction. The Government's efforts to strengthen the legal framework included the adoption of the Victims' and Land Restitution Law, which was signed by the President of Colombia in the presence of the Secretary-General in June. The Law placed the rights of victims at the centre of public policy and incorporated provisions for undertaking an ambitious programme of reparation and restitution for stolen lands. The Victims' Law is the most

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: Significant improvement of the level of compliance of legislation and policy in compliance with international human rights standards in two areas (extrajudicial executions and intelligence).*

During 2011, OHCHR continued working with the Ministry of Defence on the implementation of the 15 measures adopted in 2008 to prevent extrajudicial executions and other gross human rights violations, including through regular



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The Colombian President signs the Victims' and Land Restitution Law in the presence of Secretary-General Ban Ki-moon, June 2011.

monitoring of their implementation at operational level. The police authorities requested that OHCHR replicate this innovative project and methodology to strengthen their capacity to prevent human rights violations in line with its human rights policies, including through strengthening command and control in police operations and activities. The project began in June 2011 with meetings with senior authorities at the national and regional levels who demonstrated their commitment to prioritizing prevention based on OHCHR's advice and technical assistance. OHCHR provided technical advice to different State institutions and contributed to several legislative and policy changes in the intelligence sector. For instance, new legislation on intelligence was adopted by Congress in June and included OHCHR's suggestions on compliance with international standards. Through this Law, a new intelligence institution was created with new democratic control mechanisms in line with OHCHR's advice.

► *Target not achievable within the biennium: Public policy on previous, free and informed consultation with indigenous peoples and Afro-descendent communities implemented in compliance with international human rights standards.*

During 2011, the Office contributed to the establishment and functioning of a national technical assistance committee composed of representatives from indigenous and Afro-Colombian organizations, universities, UN organizations and the Ombudsman's Office. Regional committees were also established in five cities. The committee played a leading role in the

preparation of initial documentation, planning of field activities and the identification of methodologies for the collection of inputs. It is anticipated that the Government will consider these elements when developing legislative and public policy measures on informed prior consultation. Throughout 2011, a number of activities, including exploratory missions and field participatory processes, took place in 14 of the country's 32 departments and included the participation of more than 700 people, representing approximately 50 indigenous and Afro-Colombian communities. As a result of the field participatory processes undertaken, it was decided that subregional documents should be elaborated to serve as guidelines for duty-bearers and rights-holders and supplement the originally planned national document that will be the main output of this project.

► *Target: Significant improvement of the level of compliance of policy with international human rights standards in one policy area, i.e., human rights education.*

The Government of Colombia, through the Ministry of Education, initiated the implementation of PLANEDH in 25 municipalities. OHCHR contributed to this process by providing spaces for dialogue, developing materials for supporting staff training to include the formal inclusion of PLANEDH in schools workplans and advocating for positioning the Plan in local public agendas. In addition, the National Human Rights Conference, which is setting the ground for the development of a human rights national policy, included OHCHR's methodological suggestions, particularly regarding

the need to develop regional preparatory forums that ensure wider participation by local civil society representatives. Thanks to OHCHR's advocacy, this participation was evidenced in the preparation process of the National Conference. OHCHR facilitated the development of a pilot workshop to test the proposed methodologies and make relevant adjustments. As a result of this workshop, members of the Committee agreed upon a results systematization tool that was designed with the support of OHCHR.

- ▶ *Target: Significant improvement in the compliance of legislation/policy with international human rights standards in relation to victims' rights, including sexual violence against women, children in armed conflict and enforced disappearances.*

In June 2011, a law on victims' rights and land restitution was adopted. Its final text includes a number of recommendations from OHCHR-Colombia to ensure compliance with international principles and standards. The suggestions were primarily related to the principle of non-discrimination, the integration of a human rights-based approach, protection, access to justice and a comprehensive concept of reparation measures, including land restitution. Advocacy activities included numerous meetings and written communications with Congress members, Government authorities and non-governmental organizations (NGOs), participation in public hearings of Congress, open discussions with relevant stakeholders and press releases. Following the adoption of the Law, OHCHR-Colombia contributed with an analysis of its benefits and gaps. This analysis fed into the UN's position on the matter (included in the 2011 Human Development Report) and contributed to a better understanding of this important piece of legislation among the international community, civil society and the public-at-large.

In July 2011, OHCHR-Colombia provided comments and advice to the Ministry of Defence on a proposed modification to their guidelines to prevent and address sexual violence within the armed forces. Although the proposed changes have not yet been accepted, OHCHR-Colombia continues to advocate for the adoption and enforcement of a zero-tolerance policy on sexual violence by members of the security forces.

Throughout 2011, OHCHR-Colombia continued to participate in the NGO working group established by the Constitutional Court in 2008 to follow up on judicial investigations of allegations of sexual violence submitted to the Attorney General's Office. Partially in response to the request of NGOs, the Attorney General took positive steps to promote progress in these cases.

OHCHR-Colombia facilitated contacts and meetings between women's NGOs and the Attorney General's Office.

On children's rights, OHCHR-Colombia provided comments on a draft law that proposes to increase imprisonment terms for the crime of child recruitment. The draft is currently under consideration by Congress.

In 2011, the Office contributed to policy changes on enforced disappearances through, inter alia: the facilitation of a participatory mechanism to regulate the law to pay homage to victims of enforced disappearances (Law 1408); support for discussions in Congress on a draft law on issues related to enforced disappearances and declaration of absence; and contribution to the follow-up report on the Colombian situation by the UN Working Group on Enforced or Involuntary Disappearances.

- ▶ *Target: Significant improvement in compliance with international human rights standards by the Attorney General's Office in the elaboration of investigative strategies in the areas of torture, enforced disappearances and children in armed conflict.*

The new Attorney General took office in January 2011. OHCHR-Colombia immediately began to establish dialogue with the new administration to identify potential areas for cooperation.

- ▶ *Target: Significant improvement in compliance with international human rights standards by the Supreme Court in relation to judicial proceedings on alleged links between paramilitary organizations and politicians.*

During 2011, there was an increase in the public and political awareness of the need to fully comply with the right to appeal in these types of proceedings. As a result, in the legislative governmental proposal to reform justice, this



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issue has been included and is under consideration by Congress. Since the Supreme Court began these proceedings, OHCHR-Colombia has consistently advocated for the strengthening of due process, including, in particular, by introducing the right to appeal. OHCHR continues to advocate for the full compliance of other international standards relating to, *inter alia*, pre-trial detention and evidence consideration. This result has yet to be achieved.

- ▶ Result achieved for which no target was set: Thanks to the monitoring activities undertaken by the Medellin field office, OHCHR was able to make visible and document cases of ill-treatment and torture committed by the police in Medellin. As a result of OHCHR's monitoring activities and recommendations, the police implemented a sanction and accountability mechanism for Police Station Commanders to prevent ill-treatment and torture committed by their subordinates or omissions in the exercise of their duties.
- ▶ Result achieved for which no target was set: OHCHR-Colombia undertook a total of 298 missions (some of which were undertaken simultaneously). This represented a total of 946 days in the field, of which 163 related to human rights follow-up and monitoring missions, representing 556 days in the field.

Participation (EA 5)

▶ *Target not achievable within the biennium: Rights-holders, particularly women and groups at risk, increasingly use existing national protection systems and monitor the recommendations of international human rights mechanisms.*

During 2011, OHCHR continuously advocated for the need to incorporate international human rights standards in the implementation of effective protection measures that include a differential approach for especially vulnerable groups that are subject to the State's protection measures. OHCHR's statements were reflected in the adopted Decree 3375 which included the issue of differential approach in the implementation of protection measures. Similarly, the Government of Colombia adopted Decree 4065 on the creation of the National Protection Unit, which will undertake most of the different protection schemes under one institution of the Colombian State.

Challenges and lessons learned

Through a community-based participatory process, rights-holders (*i.e.*, indigenous peoples and Afro-Colombian communities) contributed to the identification of appropriate procedures that respect

Defending human rights defenders

"OHCHR Colombia has made the difference between life and death for some human rights defenders," said Ana María Díaz, a Colombian human rights defender, during a forum organized by OHCHR in Colombia to discuss the role of human rights defenders, as well as the challenges they currently face. OHCHR's role has not only been to constantly accompany them, but also to maintain a fluid dialogue with Colombian State authorities to improve protection policies and mechanisms and increase their possibilities to continue with their valuable work.

"I have been a human rights defender for 10 years, advocating for the rights of political prisoners. In 2005, I received the first death threats because of my work and then I was prosecuted and detained in a jail during pregnancy," said Carolina Rubio, human rights defender. "I was eight-months pregnant when I was arrested."

OHCHR contacted authorities in Bogota and Santander to follow-up on my case and requested observance of due process. "The Office knew of my work. It was because of the Office's persistence and high-level follow-up with authorities that I got out of jail after two days. Since then, the Office has closely monitored the legal proceedings against me and that has ensured the respect of my rights," explained Carolina Rubio.

According to OHCHR, arbitrary detention and prosecution of human rights defenders in Colombia continue to be matters of concern because they are solely based on uncontested statements from informants, demobilized combatants from illegal armed groups or military intelligence reports. In 2012, in Arauca, absolute sentences were handed down in favour of human rights defenders that had been detained for more than two years. The decisions were reached due to

lack of evidence or after the individuals had been found innocent of the charges against them. Since being freed, these human rights defenders have faced continued threats and stigmatization. According to the governmental programme entitled "We are defenders," 1,327 cases of documented aggressions against defenders occurred between 2002 and the first quarter of 2011. In 2010, 18 per cent of attacks were murders, especially against indigenous leaders and leaders claiming stolen lands; 75 per cent of victims were men and 25 per cent were women. Threats constituted the most generalized form of aggression and represent 61 per cent of attacks against defenders, followed by arbitrary detentions that represent 6 per cent of attacks. Bogota is the city with the highest number of attacks against defenders, followed by Cauca, Santander, Valle del Cauca, Quindío and Meta.

Colombia advances towards a Human Rights Education Plan

"He was walking through the hot dusty roads of Carmen de Bolívar. Many more arrived with him from Salado and Macayepo, but an absent look projecting distant and sombre memories differentiated him from the others. Those who knew him from before admired him for being a teacher, a good community leader and even a writer's apprentice. Amidst anguish and hardships, he was just another displaced person who sought refuge from violence. He had left behind the house he had built thanks to efforts and sacrifices over many years, the place where he had buried his dead ones, the sad farewell from his students and his plans to expand the school with a garden in which hope could grow green again..." said Manuel Restrepo Yusti, Colombian human rights education and pedagogy specialist.

Teachers in Colombia not only face the consequences of the internal armed conflict, they also face the consequences of a limited realization of human rights. The

application of human rights in education and schools has many approaches; one of them is to guarantee that girls have access to the same educational opportunities as boys, which is only achievable if Colombia designs and implements public policies that integrate a human rights-based approach.

OHCHR Colombia has been supporting the Colombian State in developing a public policy on human rights education, through the delivery of technical assistance to the Ministry of Education, the Ombudsman's Office and the Vice President's Office. Following the approval of the Human Rights Education Plan (PLANEDH), these institutions created a National Council for the Human Rights Education Plan, which will function as the State institution in charge of overseeing the operational plan that will in turn facilitate the implementation of public policy. Several public officers and teachers from at least 10 departments of

Colombia (Bolívar, Boyaca, Choco, Córdoba, Guaviare, Huila, Meta, Nariño, Santander and Valle) have been working towards this goal. The national human rights education plan establishes opportunities for the realization of quality education and includes non-discrimination guarantees for women, indigenous peoples, Afro-Colombians and the disabled, among other vulnerable groups. For OHCHR, human rights education is founded on three aspects: knowledge, value formation and attitude-building. These three elements are the basis for the enhancement of empowered citizens and rights-holders. The advances achieved thus far must be built upon. The National Council for the Human Rights Education Plan will have a short-term role in developing a public policy that contributes to fostering equality from early childhood and will help ensure that formal and informal education brings knowledge and human rights application to all Colombians.

the right to consultations in order to obtain their prior, informed and free consent. The Office has emphasized that expert advice should be practically reflected and inform the political and legal frameworks, bearing in mind the interests, positions and ideas of diverse peoples and communities.

OHCHR faces an important challenge in the coming years with regard to the implementation of the Victims' Law and the protection of those seeking land restitution. OHCHR will strive to position itself in a way that allows adding value while ensuring the observance of human rights throughout the process. The Office and the United Nations Country Team (UNCT) in Colombia are committed to assisting authorities and civil society, in particular, victims and their organizations, to ensure that the rights of victims are fully realized. The Secretary-General stated that "a good law is not enough; it needs to have a real transforming effect on the ground." Thus, the participation of victims in the implementation of legal provisions, the adequate and coordinated execution of responsibilities by competent State entities and the protection for all actors involved will be of paramount importance. The issue of land

restitution is a key opportunity to build up an holistic strategy for development, which includes strengthening income-generating programmes to ensure a sustainable and dignified standard of living for victims.

Colombia: Expenditure in 2011

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	-	5,267,158
Consultants	-	692,279
Official travel	-	328,137
Contractual services	-	258,650
General operating expenses	-	621,001
Supplies & materials	-	468,250
Seminars, grants & contributions	-	317,925
Subtotal	-	7,953,400
Programme support costs	-	1,033,941
GRAND TOTAL	-	8,987,341

Guatemala

Year established	2005
Staff as of 31 December 2011	29
Expenditure in 2011	US\$3,319,644

Background

Notable progress was made in criminal investigations and prosecution of emblematic cases, including as a result of better coordination between the General Attorney's Office and the Ministry of the Interior. There is, however, a pending agenda of urgent actions to address important, long-standing gaps in the enjoyment of human rights in Guatemala, such as reducing high levels of insecurity and poverty, widespread impunity, combating malnutrition and eradicating violence against women and discrimination against indigenous peoples. Violence and insecurity affect the daily lives of Guatemala's population and generate an atmosphere of mistrust, social dissatisfaction and fear. Due to its geographic situation, as well as corruption and the absence of State institutions in some departments, Guatemala has become a base for illegal operations by regional drug cartels. In addition, some inherited patterns of violence have yet to be overcome. Necessary reforms of the justice sector to combat impunity have not been implemented. The situation of indigenous peoples epitomizes the structural patterns of racism and discrimination that persist in Guatemala. Emerging social conflicts related to the demand for certain rights, such as the right to land and territory, environmental rights and the right to participate in decisions affecting indigenous peoples, have not been dealt with by the State through effective mechanisms. Existing mechanisms do not target the root causes of these conflicts, nor do they operate with a multicultural perspective. In this context, human rights defenders are frequently subjected to attacks, intimidation, harassment and death, as a result of their work.

In September 2011, the presence of OHCHR-Guatemala was extended for its third three-year period. In compliance with its mandate, OHCHR-Guatemala intensified its monitoring activities at the local level. Through press releases, opinion pieces, public events and interviews, the Office promoted public debates on key human rights-related topics. OHCHR-Guatemala continued to provide technical assistance on a variety of issues to authorities of the Government, Congress and the Judicial and Constitutional Courts, as well as other stakeholders. In particular, the Office provided assistance on a number of legislative initiatives,

supported civil society organizations working to promote transitional justice and the eradication of violence against women, delivered training sessions to the judiciary and the General Attorney's Office and promoted the justiciability of indigenous and economic, social and cultural rights.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: Significant improvement in compliance with international human rights standards of two institutions, namely, the judiciary and the General Attorney's Office, in relation to handling human rights violations, especially regarding discrimination against indigenous peoples and the independence of judges and prosecutors.*

Significant progress was observed in the General Attorney's Office with the adoption of internal regulations on strategic investigation and prosecution, particularly in cases related to the internal armed conflict. The General Attorney also promoted in Congress the reform of the Statutory Law of her Office to ensure greater compliance with international standards, primarily with regard to professional careers. The law is pending approval in Congress. OHCHR provided technical assistance to the General Attorney's Office in these and other activities.

The Constitutional Court incorporated international human rights standards in some of its policies and decisions, including in relation to cases of torture and violence against women and those related to indigenous peoples, such as the right to consultation. The Office contributed to this result by disseminating material on international standards on key human rights cases, capacity-building activities and sustained advocacy. The Supreme Court of Justice incorporated elements of international human rights standards in an initiative to reform the judicial career, as advocated by the Office, but some gaps remain regarding the independence of the judiciary.

- ▶ *Target: Significant improvement in compliance with international human rights standards of four institutions, namely the Commission on Discrimination and Racism, the Office for the Defence of Indigenous Women, the Presidential Secretariat for Women and the National Council for the Attention to Persons with Disabilities (CONADI), in relation to the use of human rights standards and indicators to plan, implement and monitor their public policies.*

Significant improvement was observed in the Commission on Discrimination and Racism (CODISRA) and the Office for the Defence of

Indigenous Women (DEMI) related to the investigation of cases involving racism and discriminatory practices. Following technical assistance provided by OHCHR to staff of both institutions, there was an increase in the cases dealt with by those institutions and an improvement in the use of international human rights standards in the analysis and follow-up of cases. In an emblematic case dealt with by DEMI, the Constitutional Court handed down a positive decision in November 2011 in favour of three imprisoned indigenous Mayan women who were granted the possibility of having an interpreter in their language. In addition, the database established by the Office, which includes information on all complaints received by those institutions, has facilitated the monitoring and follow-up of these cases.

The Presidential Secretariat for Women (SEPREM) increased the awareness and knowledge of the integration of international human rights standards in its workplan, reports and design of public policies. OHCHR-Guatemala participated in a working group established by SEPREM on the elaboration of the follow-up report to the Committee on the Elimination of Discrimination against Women (CEDAW) and provided technical

assistance on the methodology of preparing periodic reports to the Committee. These efforts facilitated the preparation by SEPREM of the periodic report that Guatemala must submit by July 2012.

The National Council for the Attention to Persons with Disabilities is in the process of consolidating and implementing its mandate and has indicated its commitment to applying human rights standards in practice. The Office organized a number of training sessions addressed to staff of CONADI and non-governmental organizations (NGOs) on how to implement the Convention on the Rights of Persons with Disabilities. Following these activities, NGOs presented their inputs to CONADI for the preparation of the report to the Committee on the Rights of Persons with Disabilities.

- ▶ *Target: Key teaching units from the judiciary and the General Attorney's Office have basic knowledge and capacity to implement human rights standards.*

The Training Unit of the General Attorney's Office has progressively incorporated the contents of the trainings in its curriculum, although a systematic institutional approach has yet to be adopted. The Office provided trainings



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OHCHR presents its recommendations to the Guatemalan Congress regarding a legislative initiative for constitutional reform on security and justice.

to the Human Rights Unit which contributed to improving the quality of allegations and investigations related to human rights violations committed during the internal armed conflict. The Office also worked in coordination with the Training Unit of the General Attorney's Office to plan and implement a human rights training programme for the *Amparos* Unit, which will continue in 2012. Notable progress was made in 2011 by the General Attorney's Office, through the Human Rights Unit, in investigating and prosecuting those responsible for serious human rights violations committed during the internal armed conflict.

The Constitutional Justice Institute, created in 2010, has progressively assumed the capacity-building programme led by OHCHR for their clerical assistants and magistrates, which serves as the only systematic and consistent training programme. Following the technical assistance provided by the Office, key judicial decisions, particularly those handed down by the Constitutional Court, have reversed previous precedents on topics such as illegal adoptions and the rights of indigenous peoples, in line with international standards.

- ▶ *Target not achievable within the biennium: By 2011, a human rights-based approach and human rights standards have begun to be incorporated into policies and programmes related to food and health, particularly for indigenous peoples.*

The Office assisted national stakeholders and civil society organizations in their claims on policy changes in areas such as sexual and reproductive health and food security. With the support of the Office, key women's organizations promoted the incorporation of human rights standards on sexual and reproductive health into a resolution issued by the Ombudsman that contravened human rights standards. In accordance with recommendations from the Office and special rapporteurs, the Government increased its social spending between 2009 and 2011 and presented proposals to Congress to institutionalize the Cash Transfer Programme.

- ▶ *Target: Significant improvement in compliance of legislation with international human rights standards in two areas, namely justice and security.*
In 2011, due to the electoral process, no progress was made in relation to the legislative agenda. Despite the fact that initiatives on the legal reform of key issues in the area of justice were considered by Congress, none of them were approved. The Office continued to provide advice and technical assistance to Congress through various committees and roundtables in

order to ensure that initiatives and legal reforms were in conformity with international standards. The Office developed and presented analytical documents to Congress on constitutional reform, particularly related to the judicial career. Legal reforms in the area of security were not approved. In 2011, the Office coordinated with civil society organizations and the Presidential Commission for Human Rights (COPREDEH) to promote the election of members to the National Torture Preventive Mechanism. The Office expressed its grave concern to relevant authorities of Congress about the selection process which was not in compliance with international standards.

- ▶ Result achieved for which no target was set: OHCHR-Guatemala conducted 52 field missions to monitor the human rights situation throughout the country. The findings of the missions helped to inform concerned duty-bearers of the need to undertake appropriate measures to provide redress for a number of situations and ensure access to justice for affected rights-holders.

Access to justice and basic services (EA 4)

- ▶ *Target: Legislation and policies are in place to ensure access to justice by indigenous peoples to a reasonable extent.*
As a result of OHCHR's training programme for legal clerks of the Constitutional Court, the Court adopted several decisions (precedents in case law) incorporating and applying international standards, particularly with regard to indigenous rights. One of the Constitutional Court's sentences included an explicit reference to the 2008 OHCHR report on access to justice for indigenous peoples.

Participation (EA 5)

- ▶ *Target: High use of national protection systems by key NGOs, especially indigenous organizations, in relation to indigenous rights.*
In the context of the Maya Programme, within which the Office provided capacity-building and training to key indigenous organizations involved in strategic litigation, there was an increase in the number of strategic cases brought before the national justice system. In 2011, 10 of the 11 organizations included in the first phase of the programme presented emblematic cases before the national justice system. For instance, an indigenous organization sought an injunction (*amparo*) before the Constitutional Court against the General Law of Communications alleging that it limited the freedom of expression of indigenous peoples. The case was admitted and is now pending final resolution by the Court. In another emblematic case, a number of

indigenous organizations sought an injunction before the Constitutional Court in relation to the Government's attempt to establish an initiative that would regulate the right of indigenous peoples to consultation. The Court decided to grant the injunction and definitively suspend the process as it limited the scope of the right to consultation established in ILO Convention No. 169. The judgment also called on the President to redirect the initiative.

Following OHCHR's provision of technical assistance to key civil society organizations, five legal claims were filed against the State for the violation of the right to food and admitted by the Zacapa Court. The aim of these cases is to establish jurisprudence

Claiming the right to food

For the first time, individual claims against Guatemala were initiated by Ch'orti Maya families in the municipality of Camotán, department of Chiquimula, for the violation of the right to food. The cases were submitted to the Children's Court located in the department of Zacapa and admitted on 7 December 2011. "Many families have never seen any representative of the State. For many, the State is totally absent. Moreover, the State does not know who the families are or where they live. When children reach the hospital, the public health system does not have the ability to solve their problem," said the lawyer of the families, Jaime Tecú. The country's nutritional situation is geographically and ethnically inequitable. The Ch'orti linguistic community presents the highest rates of chronic child malnutrition of the country (80.7 per cent). The number of victims who file legal claims to protect their economic, social and cultural rights is extremely low. Therefore, these cases represent an unprecedented opportunity on the road towards full and equal rights for all in Guatemala. The lawsuits were initiated by NGOs working under the campaign, "Guatemala without Hunger," which has been working with the communities of the families to promote the justiciability of the right to food. The strategic litigation sought to establish jurisprudence in line with international standards concerning the right to food. It also called upon the Government to immediately respect its human rights obligations, particularly with regard to the right to food of indigenous children. OHCHR-Guatemala has advised on alternatives for dealing with this issue, including by: monitoring the justice system and providing technical assistance to both civil society organizations and the judicial system through capacity-building activities related to economic, social and cultural rights standards and their justiciability; coordinated meetings and developed strategic joint actions with UN counterparts, such as UNICEF and the Food and Agricultural Organization of the United Nations.

concerning the right to food in line with international standards.

OHCHR-Guatemala provided technical assistance to women's organizations which incorporated international human rights standards in their legal claims. These organizations obtained positive decisions, such as one issued by the local tribunal in Salama on a case of femicide which condemned the killing of two indigenous women.

Challenges and lessons learned

Following the 2011 presidential, local and congressional elections, new authorities will take office in early 2012. OHCHR-Guatemala will emphasize the importance of placing human rights promotion and protection at the top of their agendas in the coming four years. Furthermore, one of the main priorities of the newly elected Government is to address the situation of insecurity in Guatemala. The Office will face the challenge of ensuring that human rights are incorporated as a core element of security policies and actions adopted by State institutions. OHCHR-Guatemala will stress the need for the preparation and adoption of comprehensive and strategic policies for preventing and combating crime and violence that are also in compliance with human rights standards.

The judiciary continues to face the challenge of overcoming discriminatory practices in cases of violence against women, particularly when it comes to indigenous women. To face this challenge, OHCHR-Guatemala provided technical assistance to local women's organizations networks in bringing to justice cases of violence against women.

Guatemala: Expenditure in 2011

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	-	1,959,502
Consultants	-	159,117
Official travel	-	112,114
Contractual services	-	(16,520)
General operating expenses	-	424,487
Supplies & materials	-	46,703
Seminars, grants & contributions	-	252,334
Subtotal	-	2,937,737
Programme support costs		381,907
GRAND TOTAL		3,319,644

Mexico

Year established	2002
Staff as of 31 December 2011	26
Expenditure in 2011	US\$2,513,945

Background

Mexico's new legal framework, enacted through the 2011 Constitutional Reform on human rights, represents outstanding progress towards the harmonization of Mexican law and international standards. In addition, the federal judiciary has taken increasingly progressive stances on a number of key human rights-related issues. Mexico's most pressing human rights challenges continue to be intertwined with the escalating violence between various criminal groups that are disputing their territorial boundaries and the ensuing Government responses, which includes the use of the military in public security actions and *arraigo* (40-day pre-charge detention). The strategies employed by the authorities have been accompanied by an increase in human rights violations attributed to the security forces and take place in the absence of strong civilian control and accountability mechanisms. Efforts to reform civilian police bodies have been impeded by weak local coordination measures, different degrees of political wrangling and alleged corruption. Prevailing impunity and the weaknesses of the justice system have contributed to an increase in social discontent and exhaustion. In this context, victims' movements have adopted a more vocal and prominent role in calling for the revision of policies and actions related to security. Human rights defenders and journalists are often among the most visible critics of the approach of authorities, as well as of the activities of organized crime, which increases their vulnerability. Access to justice for marginalized groups is a gap that has yet to be filled. In 2011, these issues were played out against a backdrop of preparations for the presidential and congressional elections scheduled for July 2012. The electoral process, including the transition to the new administration, may affect the ability of the current authorities to fully comply with their commitments in the field of human rights. During this time, a number of states will elect new governors.

OHCHR-Mexico played a positive role in actively contributing to the constitutional reform approval process. In order to establish a strong human rights legal framework, initiatives and activities were developed over several years that promoted consensus and advocacy within the Congress of the Union and local congresses and built the capacities

of civil society and academia to collaborate on issues of common concern. The expected impact of the reform is the strengthening of Mexican authorities' understanding and compliance with recommendations made by international human rights bodies and mechanisms so as to increase human rights protection in the country.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: Significant improvement in compliance of legislation with international human rights standards in one area, namely the Federal Constitution.*
- On 11 June 2011, a constitutional reform which amended 11 articles of the Constitution entered into force. The reform provides for the improved integration and protection of human rights, according constitutional status to all rights enshrined in the international human rights treaties to which Mexico is party. Among other amendments, the reform establishes greater restrictions on the declaration of a state of emergency; elevates the right to asylum to constitutional status; provides foreign citizens with the right to a hearing prior to deportation; strengthens the role of the human rights Ombudsman; calls for educational and penitentiary systems to include human rights principles and practices and strengthens constitutional procedural protection for human rights. Other important constitutional amendments that entered into force in 2011 include the overhaul of *amparo* (injunction) to extend its reach to the protection of all human rights enshrined in international human rights instruments; and the enshrinement of the rights to food and water. OHCHR-Mexico's contribution to this result began in December 2006 when it signed a collaboration agreement with the Federal Congress to develop a series of activities designed to encourage discussion of constitutional reforms related to human rights. OHCHR-Mexico also facilitated a broad dialogue between academics, human rights experts and non-governmental organizations (NGOs) which resulted in the publication of a "Comprehensive Proposal for Constitutional Human Rights Reform" in February 2008. The document included progressive proposals to integrate the body of international human rights law into Mexico's Constitution. Since 2008, OHCHR has undertaken a series of advocacy activities, including press conferences, press releases and private dialogue with Members of Congress and Government officials to build consensus for approval of the amendments.

- ▶ *Target: Significant improvement in compliance of federal legislation with international human rights standards in five areas, namely: freedom of expression, rights of indigenous peoples, migrants' rights, human rights defenders and enforced disappearances.*

In May 2011, the new Immigration Act, which takes into account various recommendations issued by UN human rights mechanisms, entered into force and established the protection of the rights of all migrants regardless of their immigration status. OHCHR-Mexico closely followed the drafting process and facilitated access of UNHCR so that it could provide technical input and guidance.

By the end of 2011, Congress approved the abolition of libel and slander as crimes. The corresponding law has yet to be promulgated. On the request of Congress, OHCHR provided technical input and guidance for the drafting of the bill.

- ▶ *Target: Significant improvement in compliance of state legislation with international human rights standards in one area (personal integrity).*

Three Mexican states have begun discussing the drafting of legislation on enforced disappearances. OHCHR-Mexico followed the drafting process, alongside Members of Congress and civil society, providing technical input and guidance in accordance with good practices communicated by the UN Working Group on Enforced or Involuntary Disappearances, which visited Mexico in March 2011.

- ▶ *Target: Significant improvement in compliance with international human rights standards of the Mexico City Human Rights Plan as a result of the development of indicators.*

The Mexico City Governmental Mechanism was established to implement and evaluate the local human rights programme. OHCHR-Mexico collaborated with the Mexico City Government in the earliest stages of its design. Substantive progress was also achieved in relation to the elaboration of two new human rights assessment processes in Oaxaca and Baja, California. In Oaxaca, OHCHR maintained regular contact with 90 civil society organizations from five regions and six academic institutions to disseminate the Office's methodology for the elaboration of human rights assessments. In Baja, California, OHCHR contributed to the assessment process by providing the operational guidelines for the Coordinating Committee, organizing capacity-building activities with its members and promoting the open participation of civil society organizations in the process. In adopting OHCHR's framework on indicators, the

Mexican State undertook responsibility for adhering to 111 indicators related to combating violence against women.

- ▶ *Target: Two human rights institutions work significantly in conformity with international standards in relation to the incorporation of international human rights standards in their work on the situation of human rights defenders.*
- Three human rights institutions worked in conformity with international standards in their activities related to human rights defenders. In October 2011, the Federal Ombudsman was re-accredited with "A" status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). In addition, some state-level human rights institutions expressed their interest in participating in a similar process. OHCHR facilitated the process of information-sharing between national institutions and the ICC.
- ▶ Result achieved for which no target was set: OHCHR-Mexico conducted 64 field missions in 18 states, which represented 190 days in the field.

Access to justice and basic services (EA 4)

- ▶ *Target: Specific policies are in place to enhance access to justice for indigenous peoples in relation to the provision of legal assistance in indigenous languages through, or by means of, the official establishment of a national roster of interpreters.*

OHCHR-Mexico provided technical advice in cases related to access to justice by indigenous peoples. The Office's monitoring and advocacy activities based on international human rights standards led to the release of a Mayan woman who had been unfairly detained for over three years. These activities also led to a watershed judgment issued by the Electoral Tribunal of the Federal Judiciary that integrated international human rights standards and ordered a community-based public consultation for the election of their own authorities. OHCHR continued to monitor and advocate for the cases of other individuals, including the arbitrary detention of two indigenous Nahua human rights defenders in Atla, Puebla. They remain in prison while the case is pending resolution.

State engagement with human rights mechanisms (EA 6)

- ▶ Result achieved for which no target was set: To support efforts to implement recommendations issued by international human rights mechanisms, OHCHR, the Foreign Ministry and a university jointly launched an online search

tool (<http://recomendacionesdh.mx/>) which contains 1,496 human rights recommendations issued by international special procedures, quasi-judicial bodies and human rights courts in relation to Mexico.

Civil society engagement with human rights mechanisms (EA 7)

- *Target: Three shadow reports submitted, namely to the Human Rights Committee, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of Persons with Disabilities (CRPD), and 14 substantive documents submitted to special procedures.*

Civil society organizations submitted two documents to CRPD and three to CEDAW, while one individual submitted a document to the Committee on the Elimination of Racial

Discrimination (CERD). In terms of engagement with special procedures mandate-holders, 13 documents were submitted to the Working Group on Enforced and Involuntary Disappearances (two of which were submitted by national human rights institutions) and two others were submitted to the Special Rapporteur on the right to food. To contribute to these results, OHCHR supported the visit of a number of mechanisms to Mexico; coordinated the participation of civil society organizations during these visits; followed up on the outcomes of the missions; facilitated a series of meetings to support the effort of a coalition of NGOs in the preparation of two joint reports to CRPD; and provided training to people of African descent in Mexico which, *inter alia*, resulted in the submission of a document to the CERD Committee.

"Declare Yourself a Defender" campaign

During her visit to Mexico in July, the High Commissioner launched the 'Declare Yourself a Defender' campaign. Eight hundred people attended the launch - 150 of whom were media representatives - while an additional 400 people followed the events on Livestream.

Advertising for the campaign appeared in 45 different newspapers and magazines and 12 civil society organizations carried a link on their websites.

OHCHR-Mexico believed it was crucial to form alliances with public figures, such as Saul Hernández (singer, songwriter and guitarist for Caifanes, one of Mexico's most iconic rock bands), Lydia Cacho (one of the most recognized journalists in Mexico), Cecilia Suárez (a Mexican actress who has shown an impressive commitment to social causes over the last 10 years) and Javier Solórzano (one of the most reputable journalists in Mexico). In order to strengthen the campaign, a wide range of promotional activities were organized throughout the year. These included presentations at universities, organizations, public events in Mexico City's main square, a human rights fair, the International Book Fair in Guadalajara and a cultural evening

dedicated to human rights in Oaxaca. The distribution of promotional materials, such as cards, posters and information on human rights defenders helped to increase awareness. As part of a strategy to internationalize the campaign, the website Yomedclaro.org was translated into eight languages to promote the message that anyone can be a defender of human rights. The video "Declarate," the main product of the campaign, has had more than 340,000 views, a figure previously

unheard of for other OHCHR videos. The website exceeded the 90,000 visitor limit and the video was shared on social networking sites such as Facebook, Twitter and YouTube. The campaign hashtag on Twitter became a trending topic in Mexico during the week of the launch thanks to the efforts of a team of dedicated human rights enthusiasts. OHCHR-Mexico became the first office and UN agency in 2011 to carry out a campaign using social networking sites as its main promotional tools.



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Challenges and lessons learned

Full implementation of the 2011 Constitutional Reform on human rights requires a complete overhaul of various frameworks within the Executive, Judicial and Legislative branches. It is also essential for public servants to assume ownership over the implementation process in line with international standards. The reform process requires the approval within one year of secondary legislation on a number of issues. The general election of 2012 will renew the whole Federal Congress (as Members of Congress are not eligible for re-election) and therefore threatens to undermine the success of these legislative amendments and the ability of OHCHR-Mexico to fulfil its planned objectives for 2012.

In the context of violence and insecurity, there is no visible change regarding the military's role in public security actions. In fact, there are an increasing number of allegations of human rights violations attributed to military personnel.

According to Mexico's National Human Rights Commission (CNDH), 32.6 per cent of its 2011 recommendations were directed at the armed forces. The Office is facing new challenges in relation to military forces due to, *inter alia*, major security challenges, pressure for results, the fight against drug trafficking and new modalities of operations, the involvement of military units in security issues and the absence or weakness of internal control mechanisms. In addressing this challenge in accordance with the required respect for human rights, the Office has adopted a tailored strategy which includes the monitoring of cases, the provision of advice to authorities and cooperation with State institutions. In July 2011, the Office signed an agreement with the Ministry of Defence. The challenge for 2012 will be the full implementation of its workplan.

As a result of working in a federal state, OHCHR-Mexico has more fully appreciated the impact of its efforts at the local level in specific states, particularly in relation to the development of public policies and indicators and its specific interventions. The challenge for 2012 will be to further develop sustainable programmes at the state level, including through assessments and public policy programmes that integrate a human rights perspective.

Mexico: Expenditure in 2011		
	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	-	1,469,201
Consultants	-	119,505
Official travel	-	204,960
Contractual services	-	119,317
General operating expenses	-	173,805
Supplies & materials	-	52,299
Seminars, grants & contributions	-	85,643
Subtotal	-	2,224,730
Programme support costs	-	289,215
GRAND TOTAL	-	2,513,945

Regional Offices

Regional Office for Central America (Panama City, Panama)

Year established	2007
Staff as of 31 December 2011	11
Expenditure in 2011	US\$810,467

Background

In Central America, the recovery from the negative impact of the global economic and financial crisis remained fragile in 2011. Despite positive macroeconomic indicators, social and economic inequality persists and poverty and extreme poverty rates remain high, primarily affecting indigenous peoples and Afro-descendants. Citizen security continues to generate significant political attention across the region due to increasing crime. High rates of violence and violence against women remain widespread. Other issues of concern include: racism and racial discrimination against indigenous peoples and Afro-descendants; trafficking in persons and human rights violations related to migration; as well as corruption, weak democratic institutions and ineffective accountability mechanisms. Most countries in the region have a good record of ratification of international human rights instruments and domestic frameworks generally recognize and protect human rights. Implementation, however,

continues to be a challenge and a number of instruments have not yet been ratified.

During 2011, the Regional Office for Central America continued to engage with Governments, national human rights institutions (NHRIs), civil society organizations, regional and subregional organizations and United Nations Country Teams (UNCTs) in order to: promote the ratification of international human rights instruments and support the implementation of the recommendations formulated by the Universal Periodic Review (UPR), treaty bodies and special procedures; strengthen the capacities of States to address human rights violations; assist groups that suffer discrimination in accessing justice and making use of the international protection mechanisms; and support the elaboration of human rights-based United Nations Development Assistance Frameworks (UNDAFs) across the region. In particular, the Regional Office contributed to raising public awareness about the critical issues being faced by indigenous peoples and Afro-descendants and strengthened the capacities of States to fight discrimination against these groups. The Regional Office also strengthened alliances with other international actors in the area of citizen security, working in close partnership with the Inter-American Commission on Human Rights (IACHR) and collaborating with the System for Central American Integration (SICA).

Results

National laws, policies and institutions (EA 1)

- ▶ *Target for Panama: NHRI in Panama works partially in conformity with international human rights standards in relation to Afro-descendants.*
- The NHRI has shown an increased willingness to enhance its work against racism and racial discrimination. The creation of an anti-discrimination unit charged with establishing procedures on how to deal with cases of racial discrimination within the NHRI was agreed to by the Ombudsperson. The NHRI has taken a more active lead in the Commission against Discrimination. A strategic plan is being drafted with the support of the Regional Office.
- ▶ *Target for Costa Rica: NHRI in Costa Rica works partially in conformity with international human rights standards in relation to Afro-descendants.*

The NHRI has recently begun taking up cases of racism and racial discrimination. A

procedural handbook for dealing with cases of discrimination is being drafted to systematize the way that discrimination cases are addressed by the NHRI. It has also initiated a process of engagement with Afro-descendant organizations on how it can strengthen its case-handling procedures with respect to cases of racial discrimination and racism. The Regional Office contributed to this increased capacity through training, the exchange of experiences and the provision of technical advice in relation to the elaboration of procedures to deal with cases of racial discrimination and racism.

- ▶ *Target for Nicaragua: NHRI in Nicaragua works partially in conformity with international human rights standards in relation to Afro-descendants.*

The NHRI has taken steps to review its modalities on how to deal with cases relating to Afro-descendant populations, particularly through a procedural protocol for dealing with cases and situations of racial discrimination and racism. The Regional Office's training events have opened up a new space for Afro-descendant civil society to question and make demands to its NHRI, which has proven to be a useful forum of discussion and exchange. The work of the Regional Office has served to sensitize the NHRI and enhance the promotional functions performed by the institution as expressed by the Afro-descendant communities.

Ratification (EA 2)

- ▶ *Target for El Salvador: One international human rights treaty ratified by El Salvador (the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)).*

El Salvador ratified the OP-ICESCR on 20 September 2011. The Regional Office met with the International Affairs Commission of Congress on several occasions to explain the content and objectives of the Protocol and its implications for the country. The Office distributed relevant material related to the Protocol. The National Congress approved the recommended text by consensus.

- ▶ *Target for Costa Rica: One international human rights treaty ratified by Costa Rica (OP-ICESCR).*
- The OP-ICESCR was signed in April but still needs to pass through the National Assembly for ratification. The Regional Office was formally received by the Commission of International Affairs of the National Congress and, with the support from an expert adviser

from headquarters and a member of the Committee on Economic, Social and Cultural Rights, was able to clarify doubts regarding the national-level impact and benefits of ratification. The Office has begun engaging with the National Congress to ensure swift ratification of the OP-ICESCR once it has been submitted by the Executive in 2012.

Access to justice and basic services (EA 4)

- ▶ *Target for El Salvador: Adequate legislation and policies are in place to ensure access to justice by women to a partial extent.*

In 2011, El Salvador improved access to justice for women victims of gender-based violence through the elaboration of a protocol for the investigation of cases of femicide. The protocol for the investigation of cases of femicide was developed with the assistance of the Regional Office and has now been finalized. It provides prosecutors, judges and the police with a guidance tool for the effective prosecution of such cases. The Office provided technical advice and hired an international consultant that adapted the model protocol developed by UN Women in Mexico for application to El Salvador's legislative framework and investigation procedures. The Office also developed the capacities of prosecutors and professionals from the justice sector through a training course on the investigation of femicide and equipped the Prosecutor's Academy School with a pool of 70 trainers to replicate the process.

State engagement with human rights mechanisms (EA 6)

- ▶ *Target for Belize: Two of the outstanding priority UPR recommendations with significant implementation progress in Belize.*

The UPR recommendations requested that Belize continue its efforts in submitting overdue reports under the various international conventions to which Belize is a party and seek technical assistance for the establishment of an inter-institutional committee to prepare the reports and follow up on implementation of the recommendations. Progress was made in implementing these recommendations. With the support of the Secretariat of the Committee on the Elimination of Racial Discrimination (CERD), OHCHR trained Government officials on the preparation of its report and advocated with the Ministry of Foreign Affairs to speed up the drafting process of its initial report. The Office also provided technical advice to an initiative of UNDP promoting the establishment

of an inter-institutional committee to follow up on the recommendations of international human rights mechanisms.

- ▶ *Target for Costa Rica: One of the outstanding priority UPR recommendations with significant implementation progress in Costa Rica.*

In response to a UPR recommendation, an inter-institutional committee to follow up on the recommendations formulated by international human rights mechanisms was established by presidential decree and published in Costa Rica's official journal on 30 September 2011. The Regional Office advocated with the Ministry of Foreign Affairs for the establishment of the committee and provided inputs to the drafting of the decree. The inter-institutional committee will be in charge of drafting a national action plan against discrimination, as recommended by the UPR. OHCHR provided technical and financial assistance for a project that supported the process under the leadership of the Ministry of Foreign Affairs.

- ▶ *Target for Panama: Three of the outstanding priority UPR recommendations with significant implementation progress in Panama.*

In response to a voluntary pledge and two UPR recommendations, Panama ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), 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 Regional Office advocated with the Ministry of Foreign Affairs for the implementation of these recommendations and to ensure the participation and inclusion of civil society organizations, in addition to providing technical inputs to the presidential decree establishing the commission.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *Targets for Costa Rica, El Salvador, Honduras, Nicaragua and Panama: Indigenous or Afro-descendant organizations from these countries submit substantive documents to special procedures, treaty bodies or the UPR.*
- Indigenous peoples organizations from El Salvador and Honduras drafted and submitted communications to the Special Rapporteur on the rights of indigenous peoples. Seven Afro-descendant organizations from Nicaragua jointly submitted two communications to the Special Rapporteur on contemporary forms of

racism and the Special Rapporteur on adequate housing. In Panama, an alternative report to the Committee on the Rights of the Child (CRC) was presented by an indigenous women's organization; one communication to the Special Rapporteur on contemporary forms of racism was jointly drafted by an Afro-descendant organization and several individuals; and one communication was drafted by an indigenous peoples' leader and submitted to the Special Rapporteur on the rights of indigenous peoples. The Regional Office provided technical advice to these organizations through regional seminars and trainings to enhance their capacity to engage with UN human rights mechanisms.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *Target for El Salvador: Common Country Assessment (CCA)/UNDAF of El Salvador integrated human rights standards and principles to a substantial degree.*
The UNDAF in El Salvador, signed on 18 February 2011, integrated human rights standards and recommendations of international human rights mechanisms. El Salvador's UNDAF included specific indicators focusing on the situation of indigenous peoples and the implementation of recommendations from the Special Rapporteur on violence against women. OHCHR participated in the drafting of the UNDAF and provided specific inputs in relation to indigenous peoples and violence against women.
- ▶ *Target for Panama: CCA/UNDAF of Panama integrated human rights standards and principles to a partial degree.*
The CCA/UNDAF in Panama (UNDAF signed on 2 September 2011) integrated human rights standards and recommendations of international human rights mechanisms. The UNDAF included one outcome dedicated to the implementation of recommendations issued by UPR and treaty bodies. The Regional Office promoted the participation of Afro-descendant civil society organizations in the UNDAF process in Panama and provided advice on the inclusion of the outcome dedicated to the implementation of recommendations issued by the UPR and treaty bodies.

Challenges and lessons learned

In 2010, the Regional Office established an Indigenous Regional Consultative Mechanism to guarantee the principle of free, prior and informed consent of indigenous peoples, establish priorities for action and ensure their participation in all stages of the programming process in relation to issues affecting their lives. The mechanism is composed of 15 indigenous representatives from Costa Rica, El Salvador, Honduras, Nicaragua and Panama. As a result of this mechanism, indigenous peoples and the Regional Office are in a better position to strengthen collaboration and identify common initiatives. The process leads to a more realistic contextual, meaningful and culturally specific assessment of the human rights situation as experienced by each group. The establishment of this mechanism was instrumental in the creation of a relationship of trust with indigenous groups in the region, resulting in OHCHR's increased engagement and leadership in this area. The initiative was presented to the 2011 UN Permanent Forum on Indigenous Issues as an example of a successful means of guaranteeing the principle of free, prior and informed consent of indigenous peoples through effective consultation processes that can be replicated by other OHCHR field presences.

Regional Office for Central America (Panama City, Panama): Expenditure in 2011

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	575,971	-
Consultants	8,000	9,583
Official travel	19,553	36,834
Contractual services	4,006	12,600
General operating expenses	43,794	16,957
Supplies & materials	5,569	-
Seminars, grants & contributions	37,779	26,500
Subtotal	694,672	102,474
Programme support costs	-	13,321
GRAND TOTAL	694,672	115,795

Regional Office for South America (Santiago, Chile)

Year established	2009
Staff as of 31 December 2011	8
Expenditure in 2011	US\$1,406,793

Background

Most countries in the subregion have strengthened their democracies and developed solid legal frameworks for human rights protection. Argentina, Peru and Venezuela have established national human rights institutions (NHRIs) in compliance with the Paris Principles. In Uruguay, the law creating the NHRRI was approved in December 2008, although it has yet to be established. The ratification rate of the international human rights treaties is high and most countries have extended standing invitations to special procedures. A considerable number of mandate-holders have undertaken missions to the region during the last biennium. Despite positive developments achieved during 2011, large proportions of the population living in the region continue to experience difficulties in relation to the enjoyment of their human rights, including as a result of poverty, discrimination and social violence. Gaps in human rights protection exist, particularly in relation to citizen security, prison conditions, impunity and past human rights abuses committed under dictatorial regimes. Discrimination against indigenous peoples and Afro-descendants is widespread and manifested in a failure to recognize their rights to lands and territories and the ineffective enforcement of their right to consultation. Racial stereotypes are common and national programmes designed to prevent racial discrimination have not yielded sufficient results for the worst affected groups. Lack of independence of the judiciary and attacks against human rights defenders are additional concerns in the region.

The Regional Office for South America (ROSA) was re-established in Santiago, Chile, following the signing of an agreement between OHCHR and the Government of Chile on 23 September 2009. ROSA covers six countries, namely: Argentina, Brazil, Chile, Peru, Uruguay and Venezuela. OHCHR works in close cooperation with Governments, parliaments, the judiciary, NHRIs, civil society organizations (CSOs), regional and international organizations, institutions of the Southern Common Market (MERCOSUR) and United Nations Country Teams (UNCTs) to develop their capacities to



Students attend the Human Rights Day celebration in Chile, South America.

improve the promotion and protection of the full range of human rights in conformity with international human rights standards.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target not achievable within the biennium for Chile: NHRRI established in accordance with the Paris Principles.*

In March 2011, the Chilean Senate adopted a resolution recommending that the Government give priority to the legal initiative aimed at the creation of an Ombudsman according to the Paris Principles. During the reporting period, the Regional Office raised the awareness of parliamentarians and the NGO Ombudsman Chapter about the importance of the establishment of a Paris Principles-compliant NHRRI, which is also included in the United Nations Development Assistance Framework (UNDAF) signed by the Government. The Regional Office was instrumental to the adoption of the Senate's resolution which was based on arguments provided by OHCHR in factsheets and letters to parliamentarians.

- ▶ *Target not achievable within the biennium for Uruguay: Uruguayan human rights institution is functioning according to the Paris Principles.*

At the end of 2011, the Congress created a joint commission (Senate and Representatives Chambers) to select the five commissioners of the NHRRI. It is anticipated that the first commissioners will be appointed in April 2012, initiating the process of the progressive establishment of the Uruguayan NHRRI, as outlined in the Uruguayan UNDAF 2011–2015

signed by the Government. The Regional Office supported these efforts by raising the awareness of parliamentarians and the Government about the importance of taking steps for the functioning of the NHRI and participating in the development of a strategy for its functioning, taking into account best practices from around the region.

- ▶ *Target for Peru: Significant improvement in compliance with international human rights standards of one institution (the judiciary) in relation to the use of standards on cases relating to indigenous peoples.*
Fifty public prosecutors and judges have increased their awareness of and developed their knowledge and skills about the application of relevant human rights treaties, instruments and standards regarding indigenous peoples. In alliance with the ILO, the Regional Office organized and conducted a two-month course focused on the direct applicability or interpretative effect of international human rights treaties in domestic courts. The course was also broadcast live on the judiciary's television channel in order to reach public prosecutors and judges in several judicial regions throughout the country, including the main indigenous regions.
In Peru, the law on consultations with indigenous peoples was adopted in September 2011 and a new Vice-Ministry of Intercultural Affairs was created. The Regional Representative of OHCHR held meetings to advocate for the approval of this Law with the Government, Congress, the judiciary, the Ombudsman and the Director of the National Department on Indigenous Peoples.

Ratification (EA 2)

- ▶ *Target not achievable within the biennium for the region: Increased ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in countries covered by ROSA.*
The Government of Argentina ratified the OP-ICESCR at the end of October 2011. In Peru, the Regional Office presented the main aspects of the OP-ICESCR to the Ministry of Foreign Affairs, the NHRI and a group of key NGOs working on economic, social and cultural rights. In Uruguay, the Regional Office conducted training on the OP-ICESCR for the UNCT and the Ministry of Education's Human

Rights Division. The Office delivered its own factsheets on the OP-ICESCR, the ICPPED and the CRPD to the six countries it covers. In November 2011, the Regional Office organized a regional seminar in Santiago on the OP-ICESCR for representatives of the Ministry of Foreign Affairs and parliamentarians from Argentina, Brazil, Chile, Peru, Uruguay and Venezuela. The participants analysed the main content of the OP-ICESCR, the current status of this treaty in each country, the forthcoming challenges for its future ratification, as well as exchanging best practices and lessons learned aimed at raising awareness about the importance of the OP-ICESCR and exploring ways for the respective parliaments to achieve ratification.

State engagement with human rights mechanisms (EA 6)

- ▶ *Target not achievable within the biennium for Brazil: Brazil has taken steps to ensure follow-up to the UPR recommendations through participatory processes.*
Support was provided to Brazil to follow-up on UPR recommendations in the areas of poverty and economic, social and cultural rights, citizen security, torture (particularly the National Preventive Mechanism in line with the Optional Protocol to the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)) and the adoption of human rights indicators through ongoing engagement with governmental and non-governmental stakeholders, in-country missions, media appearances and the dissemination of information.
- ▶ *Target for Venezuela: UPR report by Venezuela substantially or fully conforms to reporting guidelines.*
The Government of Venezuela submitted its UPR report in conformity with the general guidelines adopted by the Human Rights Council. Among other activities to promote the UPR process in the country, the Regional Office conducted a training session on the UPR for representatives of national institutions, including the Executive Branch and the National Congress.
- ▶ Result achieved for which no target was set: Peru submitted outstanding reports to the Committee on Economic, Social and Cultural Rights on 20 January 2011 and to the Human Rights Committee on 18 September 2011. The Regional Office contributed to this result by carrying out a workshop on reporting to treaty bodies.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *Target for Argentina: Five stakeholders (NHRIs, CSOs and individuals) submit substantive documents to treaty bodies and special procedures.*

In 2011, a total of 21 documents were submitted by Argentinian CSOs to human rights mechanisms, including the monitoring committees of ICESCR, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the International Covenant on Civil and Political Rights (ICCPR) and the Special Rapporteur on the rights of indigenous peoples. The Regional Office contributed to this result by disseminating material on the international human rights mechanisms among CSOs and conducting a training session for more than 120 Argentinian indigenous leaders in collaboration with the NHRI.

- ▶ *Target for Chile: Three stakeholders (NHRIs, CSOs and individuals) submit substantive documents to treaty bodies and special procedures.*

In Chile, 14 CSOs sent documents to human rights mechanisms including the monitoring committees of CAT, ICRMW, and the Special Rapporteur on the rights of indigenous peoples. The Regional Office contributed to this by: conducting two training sessions for indigenous representatives on the use of UN human rights mechanisms and international standards related to the rights of indigenous peoples; distributing fact sheets on the mechanisms; and providing technical advice to NGOs working with indigenous peoples.

- ▶ *Target for Peru: Six stakeholders (NHRIs, CSOs and individuals) submit substantive documents to treaty bodies and special procedures.*

Five Peruvian CSOs and the NHRI sent documents to human rights mechanisms including the monitoring committees of ICESCR, CRPD, the International Convention on the Elimination of Racial Discrimination (ICERD) and the Special Rapporteur on torture. The Regional Office contributed to this by distributing material on the human rights mechanisms in collaboration with the UNCT and carrying out two training sessions in Peru on the rights of indigenous peoples which were organized in collaboration with the NHRI.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *Targets for Chile, Peru, and Uruguay: Common Country Assessment (CCA)/UNDAF significantly integrates human rights standards and principles.*

The UNDAFs of Chile, Peru and Uruguay were developed using a human rights-based approach and included human rights interventions to be implemented by OHCHR directly or in collaboration with other agencies. The Regional Office participated in the drafting of these documents and provided technical advice and relevant input in order to incorporate a human rights-based approach.

Challenges and lessons learned

Maintaining working relationships with State actors and civil society organizations facilitates the work of the Regional Office in providing assistance and advisory services. OHCHR's presence in the region makes it easier to engage with Governments and other stakeholders, regularly visit the countries covered by the Office, establish contacts and build relationships with various partners. Furthermore, OHCHR's regional perspective has allowed it to have a better understanding of the complexity of the human rights issues faced in the region while also enabling it to share the experiences and good practices implemented by various countries that could be replicated in others.

Regional Office for South America (Santiago, Chile): Expenditure in 2011

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	570,417	304,493
Consultants	-	94,014
Official travel	-	78,446
Contractual services	-	1,409
General operating expenses	-	175,549
Supplies & materials	-	36,852
Seminars, grants & contributions	-	49,393
Subtotal	570,417	740,156
Programme support costs	-	96,220
GRAND TOTAL	570,417	836,376

Defending the rights of indigenous peoples in South America

"Indigenous communities have always structured their way of life and customs around the use and enjoyment of natural resources, but today, economic globalization discriminates against these traditional forms of development," explains Nancy Yañez, a Chilean lawyer and native rights activist with the NGO Observatorio Ciudadano. Yañez has dedicated much of her life to defending ancestral land rights as well as the right to water and other natural resources, while empowering native communities to do the same. "The biggest obstacle we face when defending indigenous rights is inequality in power relations," says Yañez. "If the counterpart is the State or a big corporation, they have access to economic resources that ensure them legal and technical services that we do not have. That disparity translates into unequal access to justice."

Discrimination against native peoples is endemic in South America, where estimates of the number of indigenous peoples range widely. In the six countries covered by OHCHR's Regional Office for South America (Argentina, Brazil, Chile, Peru, Uruguay and Venezuela), there are roughly 10 million indigenous peoples, comprising close to 6 per cent of the population. The country with the highest proportion is Peru, where one in four people is indigenous. It is important to make indigenous peoples the "authors of our own changes," says Tarcila Rivera, a native leader with the Indigenous Cultural Centre CHIRAPAQ, which has been active in Peru for the past 25 years. She focuses on raising awareness among native women. "Our region still has a strong colonial presence. There is a lot of

racism and discrimination and we find that our actions are often de-legitimized," laments Rivera. "But we have been gaining ground because people are changing; times are changing. I have so much hope in this regard."

In many countries in the region there has been a renaissance in recent years, with both rural and urban natives recognizing their culture and taking a stand for their rights. In Chile, Peru and several other countries, programmes to ensure multicultural and bilingual education have been introduced with great success. Nevertheless, significant challenges remain and have been highlighted by several UN human rights mechanisms: entire communities have been forcibly displaced; indigenous peoples still lack consultation mechanisms and proportional political representation; their land claims are largely ignored; rates of poverty, infant mortality, illiteracy and suicide are often twice as high as the national average; and many human rights defenders and individuals face violence and persecution by security forces. "In cases of institutional violence by police, in cases of discrimination against indigenous peoples and others, and in cases of generic violations of economic, social and cultural rights, there are no local mechanisms to force authorities to comply with their obligations," says native rights defender Juan Manuel Salgado. He is a lawyer and Director of the Observatory for the Human Rights of Indigenous Peoples, based in the southern Argentine province of Neuquén. Argentina, like many countries in South America, lacks a national law that typifies racial discrimination as a crime.

Salgado, Yañez and Rivera work to bridge the legal gaps by promoting the rights of indigenous peoples provided under international human rights instruments, including: the United Nations Declaration on the Rights of Indigenous Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination, and ILO Convention No. 169, among others. OHCHR's Regional Office for South America works with all States to ensure that international human rights law is taken into account. In September and October, the Office offered a training programme for high-level Peruvian judges and public prosecutors on indigenous jurisprudence and provided legal training for young Chilean indigenous leaders in November.

"In a country like Chile where there is no Ombudsman and where the State doesn't provide legal services to the population, instances like the Observatory and other human rights organizations are the only options for communities with such scarce resources to access professional help," Yañez says, "Our main obstacle is excessive demand." Yañez admits that the heavy workload can take a personal toll: "It is full-time, 24 hours a day, and sometimes that is just unsustainable. Still, it is a line of work she says she would not trade for anything. "From a personal perspective, working with human rights provides tremendous gratification," says Yañez, "not only because we manage to uphold the rights of a person or a vulnerable group, but also because when you work with indigenous communities you have the opportunity to get to know their cosmovision, which contributes so much to our understanding of human beings and of the universe."

Human Rights Components in UN Peace Missions

United Nations Stabilization Mission in Haiti

Year established	2004
Staff as of 31 December 2011	58

Background

Before the earthquake of January 2010, the human rights situation in Haiti was characterized by deep poverty, poor realization of economic and social rights, continued impunity for violations of civil and political rights, weak national institutions and a fragile civil society. The earthquake exacerbated this dire situation, caused the deaths and injuries of many thousands of people and destroyed public and private infrastructure, thereby diminishing an already weak capacity of the State to fulfil its human rights obligations. It also created new challenges, in particular, the protection of populations living in camps.

The year 2011 began with the most serious cholera outbreak seen in the world in recent decades, leading to more than 7,000 deaths and the illness of hundreds of thousands of people within a 12-month period. Throughout 2011, the humanitarian response to the earthquake continued, primarily through support to camps, debris removal and reconstruction projects. At the end of the year, a humanitarian Consolidated Appeal was launched for 2012 and the humanitarian Clusters, including the Protection Cluster, began to implement plans to transition their responsibilities to State-led structures. This transition includes building the capacity of State authorities to manage emergency preparedness and response. Contested presidential and parliamentary elections at the end of 2010 continued in 2011 with a delay of several months of the second round elections. The new President took office in May but was unable to get the necessary support from Parliament for his nominees for Prime Minister, effectively leaving the country without an operational Government for several months and further affecting the planned activities in the field of human rights.

The Human Rights Section (HRS) is the entity within the United Nations Stabilization Mission in Haiti (MINUSTAH) responsible for human rights. Its Head is also the representative of the High Commissioner for Human Rights and the Haiti Protection Cluster

Lead. The HRS's mandate, in support of MINUSTAH's core stabilization responsibility, is to promote and protect human rights, including through monitoring and reporting, and to support the Haitian State, the Office of the Ombudsperson and civil society organizations.

Results

National laws, policies and institutions (EA 1)

- ▶ Over the past two years, there was an improvement in the police's respect of the 48-hour maximum delay, under law, of detaining people before being presented before a judicial authority. The HRS contributed to this by training national police officers which resulted in a significant decrease in the ill-treatment of detainees in police stations.
- ▶ In the context of the presidential elections, the HRS released a note on election-related arrests that led to the subsequent release of 18 people.
- ▶ On 22 July 2011, President Martelly declared that his Government was opposed to forced evictions and requested that municipalities put a hold on any evictions. This was a result of long-term advocacy undertaken by the HRS and its partners. The HRS monitored forced evictions of camp inhabitants and responded in specific cases by engaging with municipal authorities, landowners and camp populations to avoid or delay forced evictions. The Protection Cluster contributed to the development and dissemination of Standard Operating Procedures (SOPs) that served as guidelines for municipal authorities, the police, camp managers, members of the Protection Cluster and UN partners to contribute to the prevention of forced evictions and protection of human rights. The HRS issued two press releases calling on national authorities to oppose forced evictions and identify viable solutions for persons living in camps within the broader framework of the right to adequate housing. Above all, the HRS and the Protection Cluster continued to advocate for a comprehensive State plan for the closure of camps. Despite the President's statement, municipalities and landowners continued to threaten people living in camps with forced evictions and no comprehensive national plan has been developed to provide them with feasible long-term solutions.
- ▶ Out of 52 cases of human rights violations brought to the attention of the State justice and accountability mechanisms, the offices of relevant prosecutors across the country opened investigations into at least 22 cases. The 52 investigations into human rights violations conducted by the HRS, involving more than

100 police officers across the country, included cases of more than 25 civilian deaths, alleged summary executions and torture. The HRS used its investigations to advocate for and support action by State justice and accountability mechanisms. Information collected by the HRS during its investigations was regularly shared with the *Inspecteurat Générale de la Police Nationale Haïtienne* and the judiciary. The HRS also supported several *juges d'instruction* (investigating judges) in carrying out their investigations, leading to the arrest and detention of approximately 10 police officers.

- ▶ Within two weeks of the public release by HRS of two reports entitled “Report on alleged killings by Haitian National Police and the response of State authorities” and “Report on the torture and murder of Serge Démosthène,” one alleged perpetrator, a police officer, was arrested.
- ▶ The trial regarding the case of the killing of at least 11 inmates in the Les Cayes prison in 2010 took place in 2011. The HRS advocated in favour of a trial and monitored the proceedings. While the authorities were able to complete several investigations and bring the case to trial, the results of the initial investigations were deemed inconclusive due to an absence of information on essential elements. This affected the strength of the prosecution’s arguments, but did not necessarily affect the outcome. The trial proceedings were frequently chaotic and there were allegations of threats against witnesses.
- ▶ The Office of the Ombudsman (OPC) is implementing its decentralization plan and maintains regional offices in nine jurisdictions outside Port-au-Prince. It is supported by the HRS, together with MINUSTAH. In particular, the HRS worked with OPC personnel at regional levels to address human rights violations in the context of detention. The OPC indicated it successfully addressed 735 cases of illegal detention.

Access to justice and basic services (EA 4)

- ▶ The HRS provided support to six Haitian non-governmental organizations (NGOs), directly benefiting over 12,000 people, to prevent sexual and gender-based violence and inform victims of how to seek judicial redress.

Participation (EA 5)

- ▶ In the North-East Department, civil society organizations finalized a report on human rights priorities and presented it to different actors, including local officials, civil servants and elected parliamentarians, to be used as a reference document in the preparation of public policies



Haitians celebrate as the new President of the country takes office, May 2011.

and budgets. Parliamentarians in the North-East Department publicly endorsed the report and presented it to the new Prime Minister. Civil society members attended several meetings held by public authorities related to health and economic planning and programming to ensure compliance with the identified regional priorities. The HRS provided support to civil society organizations on public-policy monitoring and identification of development priorities within the local public budgets. In 2012, this same initiative will be carried out in seven departments in the country.

State engagement with human rights mechanisms (EA 6)

- ▶ The Human Rights Council reviewed Haiti’s Universal Periodic Review (UPR) report on 13 October 2011. The Section supported the governmental committee in charge of preparing Haiti’s report, including through the organization of a public consultation with civil society representatives. The HRS also coordinated the contributions from MINUSTAH and the United Nations Country Team (UNCT) to the UPR and compiled the joint United Nations report for the UPR on Haiti. After the review by the Human Rights Council, the HRS widely disseminated the recommendations issued from the UPR and maintained a close working relationship with the newly created interministerial committee for the preparation of the addendum to be submitted to the Human Rights Council in early 2012.

Responsiveness of the international community (EA 10)

- ▶ The HRS advocated for, and provided substantive support to, the visits of the Deputy High Commissioner, three visits by the Independent

Expert on Haiti, and one working visit to Haiti by the Independent Expert on the right to adequate housing. Each of these visits resulted in recommendations and reports presented to the Human Rights Council. They also provided opportunities to raise human rights issues in Haiti at the highest levels and keep Member States informed of the human rights situation.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ As a result of the awareness-raising efforts on protection and forced evictions undertaken by the HRS and the Protection Cluster, the United Nations Police (UNPOL) developed internal guidelines that clarified its personnel would not provide any support to the national police in carrying out forced evictions and outlined the steps that must be followed in cases of alleged or threatened eviction.
- ▶ The HRS actively participated in the preparation of the joint MINUSTAH and UNCT Integrated Strategic Framework for 2012 and contributed 13 new human rights indicators. The HRS also substantively contributed to the Rule of Law Contract between the UN and the Government which established the human rights priorities.

Challenges and lessons learned

The year 2011 saw numerous challenges for the HRS. The absence of sitting Ministers until September, especially the Minister of Justice, was a major constraint. The cholera epidemic added to the humanitarian and human rights crises with which the HRS was confronted under its Protection Cluster and human rights mandates, including fear of, violence and discrimination against those associated with cholera.

Despite the different challenges faced by the HRS, including in relation to resources, a revised strategy and revisions to the HRS structure and methodology enabled the HRS to vastly improve its programme implementation and fund disbursement rates. The HRS maximized resources by focusing on emblematic instances of human rights concerns across a wide range of issues, including the response of law enforcement and justice to sexual and gender-based violence, human rights and detention and the right to adequate housing, in addition to sustained action on issues like police violence and support to the OPC. In the context of humanitarian transition, the HRS found that its strategy of community-level approaches to protection throughout 2011 served as an excellent basis for transition to local authorities at the end of the year.

Human Rights Advisers to UN Country Teams

Ecuador

Year established	2007
Staff as of 31 December 2011	3

Background

In 2011, the current Government completed its fifth year in office, during which it achieved progress and faced ongoing challenges. Social investment and protection programmes increased and several national and international socioeconomic research institutions reported a reduction in poverty rates. For instance, the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) highlighted Ecuador as one of five countries that experienced a significant decline in poverty rates between 2002 and 2011 (poverty from 49 per cent to 37.1 per cent and indigence from 19.4 per cent to 14.2 per cent). Other governmental initiatives have, however, generated opposition from various social sectors, including in relation to: the Government's use of natural resources which indigenous groups identify as a violation of their collective rights; confrontations and judicial actions against press agencies and journalists; and the development of controversial laws on communication, water and mining. Despite constitutional guarantees, racism and discrimination against indigenous peoples and Afro-descendants persist, affecting the enjoyment of their rights. Citizen insecurity is also an important concern. Ecuador is a member of the Human Rights Council, has ratified all nine of the international human rights treaties and their Optional Protocols and issued a standing invitation to the Council's special procedures. Ecuador has also recognized the jurisdiction of the Inter-American Commission and the Inter-American Court of Human Rights.

In 2007, a Human Rights Adviser was deployed to Ecuador to support the strengthening of the judiciary and advise the United Nations Country Team (UNCT) on human rights-based programming. Advice has included the need to integrate a human rights-based approach into public policies and support for compliance with international human rights standards by key institutions in the form of the establishment of a human rights indicator system to monitor Ecuador's compliance with its human rights obligations. In addition, the Human Rights Adviser fostered initiatives aimed at increasing compliance with recommendations issued by the Universal Periodic Review (UPR), treaty bodies and special procedures.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: The level of compliance of policy with international human rights standards, particularly through the adoption of a human rights-based approach has significantly improved in one area, i.e., water and sanitation.*

On 20 July 2011, Ecuador adopted a guide on the formulation of human rights-based sector-specific public policies through a ministerial decree. The guide was developed by the National Secretariat of Development and Planning with the technical assistance of the Human Rights Adviser and is a groundbreaking document which adopts a human rights-based approach to planning as a mandatory methodology for all branches and departments of the Executive. It also makes operational the equality agendas enshrined in the Constitution (migration, gender, age, disability and multiculturalism). Furthermore, it establishes the mandatory and systematic use of the recommendations of international and regional human rights mechanisms in the diagnosis and formulation of public policies. The level of compliance of sector-specific policies with human rights standards is expected to progressively improve with the implementation of the guide.

- ▶ *Target: The level of compliance of policy in the areas of citizen security, detention and use of force has significantly improved.*

In 2010, guidelines and a policy on detention and the use of force and firearms were adopted by the Ministry of Interior through a ministerial decree. In 2011, the National Police initiated the process to expand such standards into more detailed regulations applicable to the police. The Human Rights Adviser provided technical advice to the elaboration and revision of the guidelines.

- ▶ *Target: The national human rights institution (NHRIs) works in conformity with the Paris Principles in the areas of appointment and the implementation of functions to a substantial extent.*

The new Ombudsman (*Defensor del Pueblo*) was appointed at the end of 2011. The Human Rights Adviser provided technical advice and training to the Council of Citizen Participation for the appointment of the new Ombudsman to carry out this process according to the Paris Principles.

- ▶ *Target: The level of compliance of legislation with international human rights standards has significantly improved in one area, i.e., indigenous justice.*

As of the end of 2011, the National Assembly had not yet adopted the law on harmonization/cooperation between indigenous

and ordinary justice. At the end of December 2011, a National Assembly Commission submitted a bill to the plenary of the Assembly for a first debate. The bill largely complies with international human rights standards regarding collective rights. The Human Rights Adviser provided technical advice to the Commission, reviewed the bill and facilitated the participation of the Special Rapporteur on indigenous issues in the process.

- ▶ *Target: A significant level of institutionalized training in human rights has been established in one area, i.e., the collective rights of indigenous peoples and Afro-Ecuadorians, for police, the armed forces, national human rights institutions and the judiciary.*

By the end of 2011, the content of the training modules on collective rights was finalized and initially approved by the Government. While the modules have not yet been fully institutionalized, preliminary agreements have been reached on their implementation with the armed forces, the police and NHRIs. The Human Rights Adviser, in coordination with relevant stakeholders, developed the content of the modules and is preparing an implementation strategy to be rolled out in 2012.

State engagement with human rights mechanisms (EA 6)

- ▶ *Expected accomplishment: Increased compliance and engagement by Ecuador with UPR reporting and implementation of recommendations.*

Upon a request from the Ministry of Foreign Affairs and the Ministry of Justice, Human Rights and Cults, the Human Rights Adviser provided technical support for the drafting process of Ecuador's report to the second cycle of the UPR. The Adviser also facilitated the participation of the UNCT and civil society organizations in the process. In addition, UPR recommendations from the first cycle were published and widely distributed to State institutions, civil society and the UNCT.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *Target: Three civil society organizations have submitted substantive documentation/information to treaty bodies, special procedures, and the UPR.*
- Nineteen civil society organizations submitted documents to special procedures and the UPR process. The Human Rights Adviser ensured that civil society organizations were informed about the schedule for presenting reports to the treaty bodies, provided advice on the process to submit communications to special procedures and encouraged them to submit information to the second cycle of the UPR.

Challenges and lessons learned

The 2008 Constitution of Ecuador recognizes the right of indigenous peoples to impart their own normative systems. The competences of the indigenous and ordinary systems, however, are not clearly defined or differentiated from each other, leading to institutional and social conflicts. The National Assembly is currently debating a draft law on coordination and cooperation between the two systems which has brought to light the different positions held by legislators, indigenous leaders and academics. There is a general perception that indigenous justice is a violent and non-legal way of imparting justice, due in part to misinformation generated by the media about indigenous justice practices. The Commission of Justice and State Structure of the National Assembly organized a series of meetings to debate key aspects of the draft law with indigenous leaders and academics. The participation of the Special Rapporteur on the rights of indigenous peoples was crucial in the provision of human rights guidance during the debate. The Human Rights Adviser facilitated the participation of the Special Rapporteur in an interactive videoconference with members of the National Assembly during which he presented his observations and recommendations concerning the draft law on Coordination and Cooperation between Indigenous and Ordinary Justice Systems. In December 2011, the Commission submitted a first report of the draft law. Compared to the initial version, the current draft largely represents the demands of indigenous leaders and academics and reflects the guidelines provided by the Special Rapporteur. Despite the fact that a visit of the Special Rapporteur was not possible, his participation through the videoconference enabled him to provide his feedback on the draft law.

Honduras

Year established	2010
Staff as of 31 December 2011	1

Background

In 2011, the Government of Honduras took positive steps in enhancing the protection of human rights, including by creating the State Secretariats for Justice and Human Rights and Development of Indigenous Peoples and Afro-descendants. It also established the National Torture Preventive Mechanism (NPM). A standing invitation was sent to the special procedures. Preparatory work began in 2011 to elaborate a national human rights plan that is

expected to be approved in 2012. Despite these developments, allegations of human rights abuses continue and evidence has arisen regarding the involvement of police agents in summary and extrajudicial executions and organized crime activities. As a consequence, the Government has dismissed a number of high-ranking police officers and expressed its decision to undertake comprehensive police reform. Impunity persists in the killing of journalists, women, young people, street children and members of the lesbian, gay, bisexual, transgender (LGBT) community. Violence against women is increasing at an alarming rate. The National Congress has adopted a constitutional amendment allowing the armed forces to have a broader role in public order enforcement activities. Within the context of widespread impunity, no State official has been held responsible for serious human rights violations committed under the de facto Government in 2009. Furthermore, no significant reforms have been adopted, despite specific human rights recommendations made in the report of the Truth and Reconciliation Commission. The Government is facing a variety of social conflicts that are related to access to, and use of, the land and other natural resources, such as in the Bajo Aguan Valley.

The Human Rights Adviser provides technical advice and assistance to the UN Resident Coordinator and the United Nations Country Team (UNCT) to promote a human rights-based approach in UN programmes and activities. The Human Rights Adviser also provides assistance for the strengthening of the national human rights protection system and promotes increased compliance with international human rights standards and recommendations made by human rights bodies and mechanisms. Finally, the Human Rights Adviser provides technical advice to civil society actors with a particular focus on the situation of women, indigenous peoples, Afro-descendants and LGBT groups to reinforce their abilities to engage with national and international human rights bodies and mechanisms.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: One institution (National Preventive Mechanism) has significantly improved its compliance with international human rights standards.*

Supported by technical assistance provided by OHCHR, the NPM approved a strategic plan which significantly improved its compliance with international human rights standards.

Implementation of this plan is ongoing and some key goals have already been reached, such as the December 2011 publication of a report on the status quo of the penitentiary system in Honduras. The Human Rights Adviser was also key in advocating before the Government of Honduras, in coordination with the Subcommittee on Prevention of Torture, to ensure that the National Preventive Mechanism was equipped with appropriate resources to fulfil its mandate.

► *Expected accomplishment: Increased compliance of national legislation with the international human rights standards in the areas of gun control, the penitentiary system and the judiciary.*

In 2011, the National Congress of Honduras adopted new legislation on issues related to judicial governance and judicial careers. The Human Rights Adviser advocated for compliance of this legislation with international human rights principles on independence and impartiality applicable to the administration of justice by: organizing a seminar with international experts; participating at a plenary session on the issue at the National Congress of Honduras; and publishing a book on the above-mentioned international principles. While the legislation is positive and largely in compliance with internationally recognized human rights standards, the continuing presence of the

president of the Supreme Court within the Council of the Judiciary potentially jeopardizes the independence of the Council as its functions relate to the supervision and administration of the judicial sector.

Civil society engagement with human rights mechanisms (EA 7)

- *Target: Nine civil society organizations submit substantive documents to the international mechanisms.*

An increased number of civil society organizations (eight) made use of international human rights mechanisms, particularly to raise issues concerning threats against human rights defenders. More specifically, six communications were submitted to the Special Rapporteurs on the situation of human rights defenders; on extrajudicial, summary or arbitrary executions; and on torture. In some of these cases, special procedures mandate-holders sent communications to the State of Honduras to address the issues raised by the civil society organizations. The Human Rights Adviser conducted a series of training activities and disseminated relevant material in 2011 to reinforce the capacities of civil society organizations to engage with international human rights mechanisms.



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An activist holds a poster that reads "Stop impunity. No more murdered women. Stop femicide." during a rally against femicide in Honduras, March 2011.

Human rights mainstreaming within the United Nations (EA 11)

- *Target: Integration of the international human rights standards in the United Nations Development Assistance Framework (UNDAF) of Honduras to a partial extent.*
- Honduras' UNDAF for 2012 -2016, approved in March 2011, includes key human rights considerations, such as references to observations issued by UN human rights mechanisms and Universal Periodic Review commitments. The adoption of the National Plan on Human Rights and the strengthening of non-governmental organizations that act on behalf of indigenous and Afro-descendant peoples have been integrated as UNDAF goals. The Human Rights Adviser participated in the coordination group which developed the UNDAF. In doing so, he provided advice to UN agencies on international human rights standards and recommendations issued by the international human rights mechanisms in relation to Honduras.

Challenges and lessons learned

Honduras' National Preventive Mechanism was established in 2010, but due to limited resources allocated to it, the NPM has been seriously restricted in the exercise of its mandate. The advocacy efforts of the Human Rights Adviser before the Government and the international community led to an increase in the availability of funds, particularly from international donors which enabled it to take concrete steps in approving a strategic plan that is compliant with international human rights standards. This experience demonstrates the added value of OHCHR's presence in the country, particularly in situations where it can effectively coordinate support from international donors and raise the awareness of the Government about critical human rights issues.

Paraguay

Year established	2010
Staff as of 31 December 2011	3

Background

From 1954 to 1989, Paraguay endured one of the longest dictatorships of the 20th century, during which serious human rights violations took place. In 1992, a new Constitution was adopted establishing a democratic Government, recognizing a detailed series of fundamental rights, granting supremacy to ratified international treaties and enshrining legal guarantees, such as *habeas corpus*, *amparo* and

habeas data. The current Government has shown a commitment and openness to human rights issues and asked for international cooperation, particularly from OHCHR, to assist it in making the necessary reforms and implementing programmes to overcome the many human rights challenges that are faced by the country. Despite the Government's commitment and efforts, the population in Paraguay is still experiencing difficulties in the full enjoyment of their rights and many practices that characterized the authoritarian period, such as impunity, widespread corruption, weak institutional capacity and a solid patronage system, continue to be obstacles to the consolidation of democracy.

OHCHR's previous engagement with Paraguay was limited to a number of technical cooperation projects with selected Government bodies and the United Nations Country Team (UNCT). The Human Rights Adviser was deployed to Paraguay in September 2010. In 2011, the Adviser's three main areas of work included the provision of: 1) support for the elaboration and adoption of the National Human Rights Action Plan; 2) support for the revision process of the draft National Plan on Human Rights Education; and 3) assistance in the implementation of and follow-up to recommendations issued by the Universal Periodic Review (UPR) and other international human rights mechanisms.

Results

National laws, policies and institutions (EA 1)

- *Target: Increased compliance of policy and legislation with international human rights standards in the areas of human rights (National Human Rights Action Plan), human rights education (National Plan on Human Rights Education and cultural rights) and torture (adoption and implementation of a law establishing the National Preventive Mechanism and amendment to the definition of torture).*

The National Human Rights Action Plan, presented in December 2011, was prepared following a participatory process with the active involvement of State institutions, universities and civil society organizations (CSOs). The plan incorporates recommendations from UN human rights mechanisms. Its overall goal is to enhance harmonization between State institutions working on human rights issues and ensure compliance of public policies with human rights standards. The Human Rights Adviser provided technical support for the elaboration of the plan.

A new version of the National Plan on Human Rights Education was drafted and is under revision. Its formal approval and adoption is anticipated in

2012. The drafting process was conducted in a participatory manner and included the active involvement of representatives from different directorates within the Ministry of Education and consultations with key actors, such as teachers, students, principals, supervisors, parents, experts and CSOs. The Plan complies with the recommendations from the first and second phases of the World Programme for Human Rights Education, the Vienna Declaration and Programme of Action and OHCHR guidelines. OHCHR provided technical support and training for the revision of the Plan and formulated recommendations, in compliance with international standards, that were integrated in the document.

Congress adopted a law that approves the establishment of a National Preventive Mechanism in compliance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). It is also considering the harmonization of the definition of torture with international standards. To advocate for adoption of the draft law, the Human Rights Adviser disseminated the recommendations addressed to Paraguay by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) as well as the international standards on torture through the distribution of publications related to the Convention against Torture and the OP-CAT. She also organized a seminar in Congress with the Human Rights Network of the Executive Branch, institutions involved in the implementation of the SPT recommendations and CODEHUPY (a national network of non-governmental organizations (NGOs)). The Vice-President of the SPT also provided support to the seminar and highlighted good practices in the region.



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The Human Rights Adviser together with the Paraguayan President and other authorities at the presentation of the National Human Rights Action Plan, December 2011.

State engagement with human rights mechanisms (EA 6)

- ▶ *Target not achievable within the biennium: Progress towards the implementation of selected outstanding recommendations.*
OHCHR increased the awareness of authorities on follow-up to international human rights recommendations and the knowledge of civil society, the media and representatives of academia on the monitoring of Paraguay's implementation of its international obligations. This was supported by OHCHR through, inter alia, specialized training, as well as the establishment of a searchable internet portal which compiles the international recommendations issued by international human rights mechanisms in relation to Paraguay. General public awareness was also increased through the dissemination of information, particularly in the areas of torture and the rights of indigenous peoples.
- ▶ *Target: 100 per cent of reports submitted by Paraguay (under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and UPR) in conformity with reporting guidelines.*
The State's report to the CESCR Committee was submitted on time and in compliance with the reporting guidelines. OHCHR supported the positive involvement of different actors which included a consultation session with civil society organizations. The Human Rights Adviser provided technical advice and carried out training activities on the reporting guidelines of treaty bodies. The UPR national report was presented to the Human Rights Council in February 2011. The Human Rights Adviser supported the Government in the elaboration of the report, in particular, by organizing a workshop to share regional experiences with MERCOSUR countries. The UNCT was invited to participate in order to facilitate the involvement of UN programmes and agencies. A number of materials, including documents and a DVD on the UPR session on Paraguay, were prepared and issued by the Human Rights Adviser to promote follow-up to UPR recommendations.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *Target: Two substantive documents submitted to treaty bodies (the Committee on the Elimination of Racial Discrimination (CERD) and the Human Rights Council (UPR)).*
A total of 45 substantive documents were submitted to treaty bodies (10); special procedures (22); and the Human Rights Council (13). The documents were submitted by the

national human rights institution, the *Defensoría del Pueblo*, (one); civil society organizations (36); and individuals (eight). As a further demonstration of the use of international human rights mechanisms by NGOs, recommendations from the Committee on the Elimination of Discrimination against Women (CEDAW) and the UPR were included in the National Human Rights Action Plan, on their request. OHCHR developed training modules to increase the knowledge and capacity of civil society organizations to prepare documents and reports to human rights mechanisms; advocated for the participation of NGOs in the reporting processes of the treaty bodies; and used country visits by Special Rapporteurs to increase civil society organizations' knowledge of, and direct contact with, special procedures.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *Target: The UN guidelines on incorporating rights-based approaches have been used in the UN policy on indigenous peoples living in voluntary isolation and by the UNDP programme on strengthening the Social Secretariat to a partial extent.*

The Human Rights Adviser participated in the preparation and delivery of a presentation at a workshop convened by UNDP on indigenous peoples in voluntary isolation. UNDP was also actively involved in several human rights events carried out by the Human Rights Adviser, such as supporting the visits of the Special Rapporteurs on freedom of religion and on extreme poverty and human rights. This collaboration allowed for an exchange of ideas on how to better integrate a human rights-based approach into programmes and projects, including a project on agrarian reform prepared by UNDP.

Challenges and lessons learned

Paraguay is a country with great potential to advance the protection of human rights. Despite the Government's efforts and the active engagement of civil society organizations, the country suffers from structural problems and practices, as well as weak institutional capacities, which in turn impinge on the possibility of achieving significant results. Due to these limitations, OHCHR decided to focus its strategic contribution on strengthening the Human Rights Executive Network and elaborating the National Human Rights Action Plan and the National Plan on Human Rights Education in a participatory



The Deputy High Commissioner visited an indigenous community during her mission to Paraguay, October 2011.

manner. Its objective was to obtain important results in the area of human rights, while also helping different actors to work together. As an example of a lesson learned, this participatory process, which resulted in agreements from a plurality and diversity of sectors, confirmed the importance of fostering and strengthening spaces of dialogue and articulation that are needed for the exchange of different perspectives in order to overcome difficulties faced in the process.

In 2011, the Human Rights Adviser and her team carried out a number of activities to promote a human rights culture in Paraguay. One of the activities was a photo contest entitled "It's time to live our rights," inspired by the Universal Declaration of Human Rights. The 12 selected photographs in three categories (children and adolescents, professional and non-professional) will be published and disseminated through UN and Government documents, printed materials and multimedia tools. The winning photo from the children and adolescent's category was taken by a 13 year-old girl who lives in a shelter home. Thanks to this event, which was attended by the Director of a well-known photography institute in Paraguay, the girl received a full scholarship to study professional photography at the institute. This shows one of the ways that the work of OHCHR and approaching human rights from different perspectives can create positive changes in the lives of people.