

OHCHR in the field: Europe and Central Asia



Type of presence	Location
Stand-alone office	<ul style="list-style-type: none"> Kosovo*
Regional offices	<ul style="list-style-type: none"> Central Asia (Bishkek, Kyrgyz Republic) Europe (Brussels, Belgium)
Human rights advisers to UN Country Teams	<ul style="list-style-type: none"> Republic of Moldova Russian Federation Serbia South Caucasus (based in Tbilisi, covering Armenia, Azerbaijan and Georgia) Tajikistan The former Yugoslav Republic of Macedonia Ukraine

* Reference to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo

Comprised of 54 countries, the Europe and Central Asia region extends to members and associated members of the European Union, the Russian Federation, the five countries of Central Asia, countries of the Commonwealth of Independent States, the Russian Federation, South Caucasus and Turkey. The region also includes several disputed territories which continue to present particular difficulties in terms of human rights protection.

Human rights challenges in Europe and Central Asia cover a wide range of issues, including multiple forms of discrimination; rights of migrants; gender inequality, violence against women, and trafficking; torture and ill-treatment; inadequate detention conditions; poverty; administration of justice and independence of the judiciary; freedom of the media; and the situation of human rights defenders.

During the reporting period, OHCHR was represented in the region by the following field presences: two regional offices, one for Europe and one for Central Asia (including national officers deployed to Kazakhstan and Tajikistan); a stand-alone office in Kosovo and seven human rights advisers: a regional adviser for South Caucasus; international human rights advisers in the Republic of Moldova, the Russian Federation, Tajikistan and Ukraine (as of December 2011), and national human rights advisers in the former Yugoslav Republic of Macedonia and Serbia.

In 2011, the High Commissioner carried out a number of country visits to the region. Her visit to

the Russian Federation in February 2011 created an opportunity for OHCHR to enhance its national and international engagement with the country and maintain its frank dialogue on critical human rights issues. The High Commissioner's visit to the Republic of Moldova in November 2011 followed the country's Universal Periodic Review (UPR) in the Human Rights Council and provided the optimal impetus for discussing human rights issues with the Government, civil society and other stakeholders, while also enhancing and consolidating OHCHR's engagement with the country.

The High Commissioner also visited France within the framework of the Annual Consultation between the Government of France and OHCHR. The Deputy High Commissioner visited: Ireland in the context of the Dublin II Meeting on "Strengthening the United Nations Human Rights Treaty Body System;" Belfast, Northern Ireland, at the invitation of the Northern Ireland Human Rights Commission (NIHRC); Lithuania in the context of Lithuania's Chairmanship in the Community of Democracies; and Poland to participate in the annual Fundamental Rights Conference.

OHCHR's country-engagement work continued to focus on follow-up to concluding observations and recommendations of international human rights mechanisms, including treaty bodies, special procedures and UPR and the implementation of human rights projects on the ground. To advance human rights in the region, OHCHR maintained close contacts with regional organizations such as the Council of Europe, the European Union, the Organization for Security and Cooperation in Europe, as well as with UN departments and agencies, governmental institutions, national human rights institutions, parliamentarians, civil society organizations, think tanks and human rights activists. OHCHR's work on the ground also focused on strengthening the capacity of States to implement their human rights commitments stemming from UN human rights treaties and mechanisms which required coordinated interaction across the Office, including the Human Rights Council and Special Procedures Division, the Human Rights Treaties Division and the Research and Right to Development Division.

Stand-alone Office

Kosovo⁴

Year established	1998
Staff as of 31 December 2011	8
Expenditure in 2011	US\$763,666

Background

During 2011, Kosovo continued to be supervised with final political authority vested in the European Union Special Representative (EUSR) and the International Civilian Representative (ICR). The EU's Mission assumed some of the competences of the United Nations Interim Administration Mission in Kosovo (UNMIK) in the rule of law area. It is expected that the International Civilian Office (ICO) will be phased out in 2012. Four years after the unilateral declaration of independence, Kosovo was recognized as a State by 85 Member States of the United Nations. The country, however, remains outside of major international and regional organizations (UN and Council of Europe). The political environment remained complex throughout 2011, with a serious deterioration of the situation in the north of Kosovo that triggered several interventions by the NATO Kosovo Force (KFOR). Dialogue between Belgrade and Pristina, which resumed in 2011, was carried out under the auspices of the EU and resulted in limited progress on selected technical issues.

In 2011, OHCHR's Stand-alone Office in Kosovo focused on: monitoring the human rights situation; supporting the process of reporting to the UN treaty bodies by UNMIK; advising local institutions on human rights issues, including on compliance of legislation with international human rights standards and providing training on human rights indicators; supporting the Ombudsperson institution, particularly the process of appointing the Ombudsperson's deputies; and providing support and advice to the UN Agencies working in Kosovo on human rights issues. OHCHR also provided support in the field of transitional justice with a special focus on witness protection, monitoring of war crimes and ethnically motivated crimes and in relation to initiatives undertaken by civil society organizations (CSOs) to deal with the past. Also during 2011, OHCHR ensured particular attention was paid to the issue of non-discrimination by building partnerships with civil society organizations

⁴ Reference to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.

in order to collaboratively advocate for the amendment of the Anti-Discrimination Law and provide legal aid to alleged victims of discrimination with a special focus on marginalized groups.

As part of a United Nations Kosovo Team (UNKT) joint programme based in Mitrovica, OHCHR carried out capacity-building projects for civil society organizations and other local stakeholders on human rights and regularly monitored the human rights situation in the north. To bring the UN effort and presence into alignment with Kosovo development plans, UNKT produced a Common Development Plan (CDP 2011-2015, equivalent to the United Nations Development Assistance Framework (UNDAF)). The UN Strategic Framework (UNSF 2010-2012) was developed to adapt the UN's mandate under Security Council resolution 1244 to the realities on the ground. OHCHR is an active partner and contributor to both processes.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: The Ombudsperson institution has been fully staffed and is functioning according to the Paris Principles.*

In October, the Kosovo Assembly appointed five deputy Ombudspersons through a transparent process that complied with statutory requirements on minority and gender representation. OHCHR substantially contributed to this process by providing comments on the rules of procedure relating to the selection process and technical assistance on the Paris Principles. The entire selection process was also monitored by civil society organizations and international agencies present in Kosovo. For the first time since its establishment and the transfer of authority to Kosovo institutions, the Ombudsperson institution is fully staffed. Upon the selection of the deputy Ombudspersons, OHCHR worked in close cooperation with the institution and provided substantial guidance and support in addressing discriminatory legislative provisions. By the end of 2011, the Ombudsperson institution processed its first case to the Constitutional Court with positive outcomes.

- ▶ Result achieved for which no target was set: In November, OHCHR commissioned a study which resulted in an internal report with recommendations to improve the existing Law on Witness Protection adopted by the Kosovo Assembly and enhance its compliance with human rights standards. The report examines current practices with respect to the protection of witnesses and victims and will be launched in 2012.

Justice and accountability mechanisms (EA 3)

- ▶ *Target: Kosovo authorities have endorsed the Statute of the Regional Commission (RECOM) for establishing the facts relating to serious human rights violations committed during the wars in the former Yugoslavia.*

The adoption of RECOM's draft Statute in March 2011 signalled the conclusion of the consultation process undertaken to establish the facts about war crimes. Kosovo's Prime Minister supported the initiative and promised to be personally engaged with other institutions in Kosovo in relation to the endorsement of the RECOM draft Statute developed to establish the facts relating to serious human rights violations committed during the wars in the former Yugoslavia. This initiative has the support of the international community, including the EU and OHCHR. The Office has actively participated in the consultation process and provided advice and suggestions on various provisions of the draft Statute. OHCHR's main contribution was related to the terms and definitions used and their harmonization with the definitions used in international human rights treaties. OHCHR furthermore supported civil society efforts in addressing issues pertaining to transitional justice within Kosovo and at the



A Roma child playing in a settlement in Mitrovica, Kosovo.

regional level. OHCHR supported the mobilization of civil society to identify adequate and nationally-owned transitional justice solutions and has actively participated and provided technical assistance in the regional consultative process held in 2011.

- ▶ *Target: National Preventive Mechanism (NPM) against torture in Kosovo is established and functional (as per the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)).*

A cooperation agreement between the Ombudsperson, the Kosovo Rehabilitation Centre for Torture Victims and the Council of Defence of Human Rights and Freedoms collaborated to establish an NPM that will enter into force in May 2012. This agreement constitutes the legal basis for cooperation between these organizations and expresses a joint commitment to establish the NPM. It is expected that this mechanism will pave the way for eventual ratification of OP-CAT and the establishment of a permanent, sustainable and nationally financed body mandated to strengthen the rights of people deprived of their liberty. OHCHR provided significant assistance to efforts for the establishment of the mechanism, inter alia, by improving coordination and disseminating information on good practices to monitoring actors in Kosovo. OHCHR regularly attended consultative meetings prior to the conclusion of the agreement and organized two workshops for civil society organizations, the Ministry of Justice and correctional service staff.

Access to justice and basic services (EA 4)

- ▶ *Target: Anti-discrimination law and other related legislation is amended and appropriate mechanisms have been established.*

The Advisory Office on Good Governance/Office of the Prime Minister (AOGG/OPM), the main coordinating structure for the implementation of the Kosovo Action Plan on the implementation of the Anti-Discrimination Law, established a multi-sectoral working group to develop an updated Action Plan. OHCHR maintained its sustained advocacy for the revision and amendment of the Law which entered into force in 2004. Implementation remained very low at all levels. The Office directed its efforts towards two objectives: a) focusing on the policy level to influence the initiation of the revision and amendment of the Law; b) supporting local non-governmental organizations (NGOs) to increase the demand for its implementation while ensuring local ownership of the process. As part of the working group, OHCHR presented its

policy recommendations and provided comparative research on equality bodies that could be used as a model by Kosovo institutions. Together with the Organization for Security and Co-operation in Europe (OSCE), OHCHR will continue to be one of the drivers and substantive contributors to the process.

Participation (EA 5)

- ▶ *Target: At least five NGOs have effectively advocated for the implementation of the Anti-Discrimination Law and Gender Equality Law.*

The Office continued to promote the methodology of strategic litigation to create demand by individuals and certain marginalized groups for implementation of the Anti-Discrimination Law and to test the judicial system's response to anti-discrimination cases. In this context, the Office supported the European Centre for Minority Initiatives (ECMI), a local non-governmental organization that works primarily on minority issues, which provided direct legal aid to 44 cases of alleged discrimination related to, inter alia, restoration of destroyed property and return of seized property, access to records and obtaining personal documents and repatriation. In addition, ECMI drafted a report on the pattern of segregation of Roma children in separate classrooms. The report outlines a set of recommendations to the Ministry of Education for the adoption of administrative instructions that are based on the Law on Primary Education and existing inclusive policies to stop discriminatory practices at school. Another local partner of OHCHR, the Youth Initiative on Human Rights (YIHR), received technical advice on drafting a report on the implementation of the Anti-Discrimination Law in Kosovo. The report was issued in December 2011 and highlights weaknesses in existing legislation and gaps in institutional capacity related to implementation of the Law. Although unrelated to advocacy for the implementation of the Anti-Discrimination Law, OHCHR distributed small grants to civil society organizations in Mitrovica and Zveçan to carry out activities focused on: the promotion and protection of human rights, such as campaigning for ratification or implementation of human rights instruments, as well as monitoring, documentation, legal aid, strengthening the rule of law and improving access to justice.

State engagement with human rights mechanisms (EA 6)

- ▶ *Target: More than 50 per cent of recommendations issued by the committees of the*

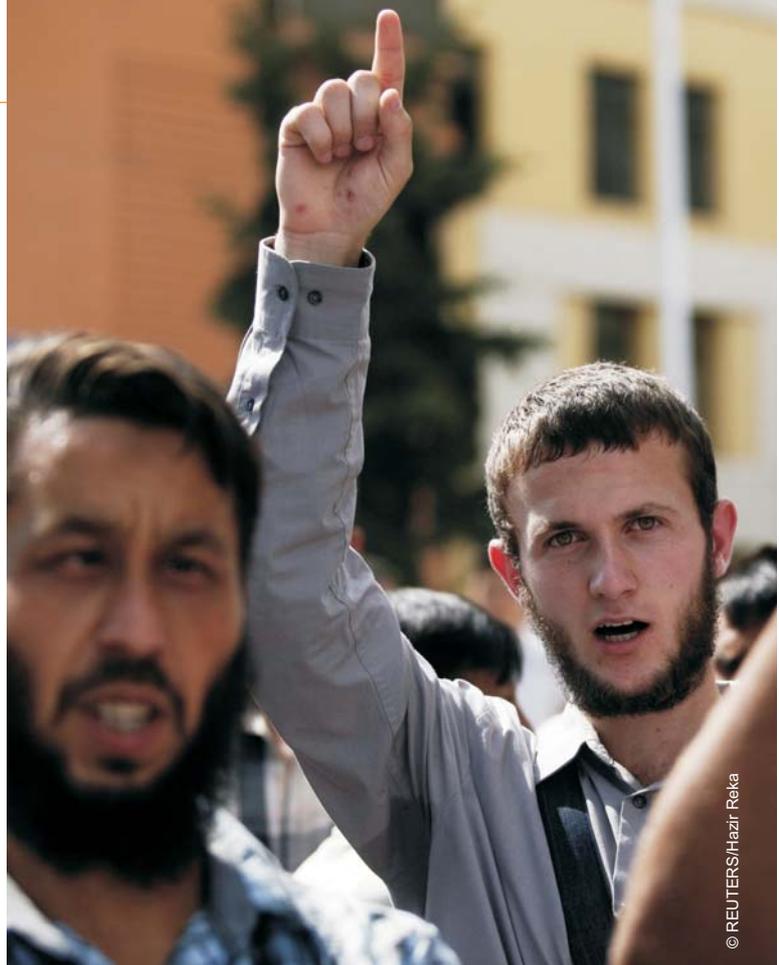
International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), special procedures and other mechanisms, as per ad-hoc arrangements on Kosovo, were implemented.

In February 2011, UNMIK submitted a letter to the Committee on the Rights of the Child (CRC) along with the Government's report. The letter explained the new situation created in Kosovo after the 2008 declaration of independence and acknowledged that the realities on the ground have effectively nullified UNMIK's authority and capacity to compile and provide information on the implementation of human rights treaties in Kosovo. OHCHR's efforts to facilitate dialogue between UNMIK, Kosovo authorities and the international human rights treaty bodies proved to be increasingly difficult. On the one hand, none of the treaty bodies adopted a specific position which would enable their consideration of the human rights situation in Kosovo without prejudice to its political status. On the other hand, the previous practice employed by UNMIK of compiling reports in partnership with the then-Provisional Institutions of Self Government (PISG) no longer seemed tenable. The Government expressed an interest in drafting substantive reports and pledged its commitment to monitoring the full implementation of the obligations of human rights treaties which are enshrined in the Kosovo Constitution. The Government has nevertheless been reluctant to accept any formal representation by other international institutions, including UNMIK, in international human rights mechanisms. In this context, the Office continued to reiterate the need for capacity-building within the relatively new Kosovo institutions on human rights accountability. OHCHR continuously advocated with UN agencies and major donors on the need to allocate resources and mainstream human rights through their technical assistance.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *Target: At least 10 substantive documents submitted to treaty bodies and special procedures, by the national human rights institution (NHRI), civil society and individuals.*

The Office played an intermediary role between civil society organizations and the Working Group on discrimination against women in law and in practice. The Office submitted a report to the Working Group, produced by the "Kosovo Centre for Gender Studies," and a documentary film prepared by the Kosovo Agency for Gender



Muslims take part in a protest in Pristina, Kosovo.

Equality. These materials will be assessed by the Working Group in its February 2012 session.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *Target: The UN Common Development Plan and joint UN Kosovo Team programmes have integrated UN guidelines on human rights-based approaches to a substantial extent.*

As part of the process of drafting the UN Strategic Framework, UNMIK and the UNKT jointly identified thematic areas of crucial importance to peace consolidation in Kosovo. The analysis that shaped the UNSF was further developed by the UNKT to prepare the CDP. OHCHR contributed substantially to the development of both documents by providing technical support on a human rights-based approach and actively participating in their implementation structures. OHCHR co-chairs the UNSF Human Rights and Gender Group which focuses on coordinating efforts related to treaty body reporting. The Office also supports CDP implementation by contributing to the Policy and Accountability Group and the Monitoring, Evaluation, Research and Policy Group. OHCHR's work on non-discrimination, policy advocacy and human rights indicators and in supporting the Ombudsperson institution directly contributes to the implementation of the CDP.

On the eve of Human Rights Day, 10 December 2011, the OHCHR Field Presence in Kosovo and the Ombudsperson institution organized a round table discussion entitled “What does it mean to be a human rights defender?” The roundtable brought together prominent human rights defenders, such as Mr. Bekim Blakaj from the Humanitarian Law Centre (HLC) in Kosovo, Ms. Feride Rushiti from the Kosovo Rehabilitation Centre for Torture Victims, Mr. Behxhet Shala from the Council for Defence on Human Rights and Freedom, Ms. Igballë Rogova from the Kosovo Women’s Network and Ms. Raba Gjshi from the Youth Initiative for Human Rights.

The activists spoke about their experiences and what motivated them to become human rights defenders; the challenges they face in their current work; and their

messages to Kosovo society. Most of the panellists were inspired to become human rights defenders because of their life experiences during the conflicts in the former Yugoslavia during the 1990s. For instance, Mr. Blakaj from the HLC said: “Many human rights defenders were victims of human rights violations in the past. I am one of them. I was denied my civil rights; I was humiliated and treated without dignity. This is how I learned that it must be a noble mission to protect the human rights of others. My experience became a source of motivation for me to stand on the side of those who are not protected and to try as much as possible to prevent other human rights violations.” The HLC is a partner organization to OHCHR and it has been active in Kosovo since the early 1990s. The NGO is best known for its remarkable work in documenting crimes committed

during and after the conflict in Kosovo, as well as supporting survivors from all communities and their family members to get access to justice.

Twelve years after the conflict in Kosovo, meaningful peace and progress towards realization of human rights is lingering. Human rights defenders often find themselves confronted with multiple challenges. On the one hand, consequences of past violations persist, such as those experienced by the families of missing persons, lack of access to justice and a failure to provide appropriate compensation and reparation measures for survivors. On the other hand, communities are increasingly aware of other types of violations faced by vulnerable groups living in extreme poverty, in addition to discrimination based on ethnic background, gender or sexual orientation.

Challenges and lessons learned

The Human Rights Advisory Panel (HRAP) examines complaints of alleged human rights violations committed by or attributable to UNMIK (during the period it had executive authority). The Panel continued to review cases and when appropriate, makes recommendations to the Special Representative of the Secretary-General (SRSG) in Kosovo. A number of challenges have emerged in its implementation, more specifically, in relation to UN policies providing for the payment of compensation.

In the planning for the HRAP and legislative measures in 2006, it was assumed that UNMIK would have access to the Kosovo budget, which it administered, in the event it needed to implement recommendations for compensation. When HRAP issued its first Opinion on the merits of a case in November 2008 (its recommendations included compensation) UNMIK was essentially unable to order corrective action and lacked the authority to order payment of compensation from the Kosovo budget. Similarly, General Assembly resolution A/RES/52/247 of 17 July 1998 does not allow UNMIK to pay compensation from UN funds for non-material damages. More than 200 out of 450 cases that are pending before the Panel relate to the payment of compensation for non-material damages. As it is reasonable to expect that the Panel will

follow its case law and systematically recommend compensation for findings of violations, it is likely that the problem will reach considerable proportions.

No solution has yet been identified for financial compensation. In this sense, the victims in many cases are currently or potentially without an effective remedy. An effective resolution to this issue could set an important precedent for future UN or international missions with an executive mandate.

Kosovo: Expenditure in 2011

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	-	604,537
Consultants	-	(1,045)
Official travel	-	11,478
Contractual services	-	9,109
General operating expenses	-	40,387
Supplies & materials	-	2,032
Seminars, grants & contributions	-	9,313
Subtotal	-	675,811
Programme support costs	-	87,855
GRAND TOTAL	-	763,666

Regional Offices

Regional Office for Central Asia (Bishkek, Kyrgyz Republic)

Year established	2008
Staff as of 31 December 2011	8
Expenditure in 2011	US\$1,187,943

Background

The five countries of Central Asia, namely Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, represent a range of economic, social and political situations which impact on the enjoyment of human rights in these countries. The struggle for the protection of human rights and fundamental freedoms is hampered by, inter alia: legislation that fails to comply with international human rights standards; State institutions that lack accountability in relation to human rights issues; a poor understanding among State authorities of the concepts and value of human rights; the predominant role of General Prosecutors within the apparatus of law enforcement combined with inadequate checks and balances; weak instruments for the protection of human rights; and a lack of awareness and knowledge among the population of human rights issues.

The Regional Office for Central Asia (ROCA) continued to operate in accordance with the June 2008 Agreement with the Government of Kyrgyzstan. ROCA primarily works in Kazakhstan, Kyrgyzstan and Tajikistan and provides technical assistance to a joint OHCHR/UNDP project in Turkmenistan, which seeks to strengthen the national capacity of Turkmenistan to promote and protect human rights. ROCA regularly engages with Governments, national human rights institutions (NHRIs) and civil society to promote and protect human rights and substantially contributes to national efforts focused on the integration of recommendations formulated by treaty bodies, special procedures and the Universal Periodic Review (UPR). In coordination with ROCA, the OHCHR Mission to Osh (OMO) continued to monitor and report on the human rights situation in the south of Kyrgyzstan and undertook capacity-building activities to support local efforts to promote and protect international human rights standards.

Results

National laws, policies and institutions (EA 1)

- ▶ As a result of OHCHR advocacy efforts in Kazakhstan, Kyrgyzstan and Tajikistan, the Ombudsman institutions of these countries expressed their intention to undergo an assessment of their compliance with the Paris Principles. ROCA assisted these institutions in their preparation of statements of compliance with the Paris Principles for the International Coordinating Committee of National Institutions. In December, applications from all three institutions were submitted along with other supporting documents. They are due to be reviewed by the Sub-Committee on Accreditation of the International Coordinating Committee in March 2012.
- ▶ Kyrgyzstan's Ministry of Justice prepared the first draft of the National Legal Policy Concept Paper for 2012-2016. The Concept Paper outlines plans to modernize current national legislation; reform law enforcement bodies and the judicial system; increase legal literacy among the population and civil servants; and improve mechanisms for the protection of human rights, State governance and legal regulation. In November, the finalized draft was discussed at the Ministry of Justice with the participation of the Vice-Prime Minister. The Concept Paper was uploaded to the Ministry's website for comments from the general public and non-governmental organizations (NGOs). The Ministry of Justice received technical support from ROCA in the preparation of the Concept Paper.
- ▶ The Government of Kyrgyzstan established a Council for the selection of judges in order to promote greater independence of the judiciary and compliance with standards of international human rights and the rule of law. ROCA advised and supported the process.
- ▶ Beginning in April 2011, the Government of Kyrgyzstan undertook sustained efforts to develop a concept paper on ethnicity which seeks to outline key principles and policies directed at fostering inter-ethnic cooperation, societal consolidation and respect for minority rights in Kyrgyzstan. The passage of the Concept Paper in Parliament was delayed due to presidential elections and the formation of the new Government at the end of 2011. It is expected that the Government will consider this important piece of legislation in 2012. ROCA supported the process with the provision of technical advice and advocacy with partners regarding international norms and standards of minority protection and Kyrgyzstan's relevant international obligations.



A legal clinic set up by OHCHR and its partners in Kyrgyzstan.

- ▶ Since 2010, the OHCHR Mission to Osh has advocated with central and local Kyrgyz authorities to urgently address the ongoing impunity of law enforcement officials for torture and ill-treatment. In 2011, concrete remedial steps were elaborated in three orders of the General Prosecutor which strengthened prosecutorial oversight of detainees and pressed for investigations to hold perpetrators accountable. OMO supported the process by hosting the General Prosecutor's first meeting with local human rights organizations in southern Kyrgyzstan and monitored the implementation of the General Prosecutor's instructions through regular meetings with local prosecutors. OMO facilitated the establishment of mechanisms to encourage regular and collaborative dialogue between prosecutors and the human rights organizations to prevent torture and combat impunity. OMO also participated in the meetings as an independent observer.

Ratification (EA 2)

- ▶ In September 2011, Kyrgyzstan signed the Convention on the Rights of Persons with Disabilities. ROCA supported consultations that contributed to an understanding of the Convention and advocated for its signature and ratification.

Justice and accountability mechanisms (EA 3)

- ▶ In May 2011, a draft law was submitted by a group of Parliamentarians to the Kyrgyz Parliament on the National Preventive Mechanism, in compliance with the requirements of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). ROCA substantially contributed to the elaboration of the draft law through, inter alia, the provision

of technical expertise from a national expert who advised on and promoted the implementation of OP-CAT standards. The Office also conducted advocacy during high-level meetings with relevant Government officials and Members of Parliament. In October 2011, the draft law and a package of amendments related to other legislative acts were adopted by the Human Rights Parliamentary Committee and considered at the plenary session of Parliament. The October Presidential elections, re-shuffling of the Government and establishment of the new Parliamentary coalition resulted in further delays in the adoption of the draft legislation. It is anticipated that the draft will be considered at the beginning of 2012.

Access to justice and basic services (EA 4)

- ▶ In order to contribute to the restoration of justice and promotion and protection of human rights, five Kyrgyz human rights NGOs, namely: "Adilet," "KylymShamy," "Citizens Against Corruption," "Spravedlivost" and the "Human Rights Advocacy Centre," provided free legal aid to the population affected during and after the June 2010 violence that erupted in southern Kyrgyzstan. The five NGOs received technical and financial support from ROCA and maintained a network of lawyers with expertise in criminal law. The lawyers remained on call seven days a week and provided immediate legal representation to individuals who were arrested. By the end of the year, more than 12 legal clinics had been opened in several districts of the Osh and Jalal-Abad regions, including in marginalized areas of the country.
- ▶ ROCA supported the local NGO Public Association of Social Protection of the Population ("OOSZN") in providing legal aid and humanitarian assistance to homeless people in Jalal-Abad, Southern Kyrgyzstan, and highlighted ways and means that local authorities could address issues related to the prevention and reduction of homelessness.

Participation (EA 5)

- ▶ In Kyrgyzstan, three training events were organized by one of ROCA's implementing partners, the NGO "Voice of Freedom," on the issue of access to information for human rights defenders, journalists and civil society activists and regarding how to make inquiries to and obtain information from State bodies. As a follow-up to these events, social networking platforms were used to share experiences on making inquiries, receiving answers and

interacting with State authorities in relation to access to information.

- ▶ In May 2011, one of ROCA's NGO partners, "Civil Initiative on Internet Policy" (CIIP), developed a website dedicated to human rights in Kyrgyzstan which contains human rights-related news, articles and reports. The site will serve as a platform for human rights NGOs and is anticipated to be expanded to include an interactive map of human rights violations and a human rights legislation database. Between May and December 2011, CIIP monitored Kyrgyzstan's media and prepared reports on inter-ethnic relations and freedom of speech. The reports present an overview of restrictions on freedom of speech, defamation, violence against journalists, ethnic slurs, regionalism and language-related issues. ROCA provided advice, guidance and technical assistance to this process.
- ▶ From July 2011, the NGO "Independent Human Rights Group" held regular meetings with a group of Kyrgyz human rights defenders and lawyers. These meetings created a synergy in the undertaking of human rights activities and provision of legal aid and served as a platform for consultations and an exchange of good practices among its participants, including in relation to the preparation and submission of individual communications to the UN Human Rights Committee and special procedures. ROCA supported these consultations through assistance and advice.
- ▶ The "Adilet" Legal Clinic monitored the application of State policy during the drafting of legislation through consultations with civil society partners and the authorities. Adilet raised specific human rights cases with State authorities and provided comments and recommendations meant to strengthen policies on the rule of law and their compliance with human rights standards. Adilet receives financial and technical support from ROCA.
- ▶ ROCA organized a regional conference in Bishkek on strategies to ensure the effective participation of ethnic minorities in public life in the Central Asian region. The conference was attended by the President of Kyrgyzstan, as well as high-level Government officials, NHRIs and representatives of civil society and international organizations from Kazakhstan, Kyrgyzstan and Tajikistan. Conference participants adopted a concluding statement with a commitment to strengthen the participation of ethnic minorities in the respective countries.

State engagement with human rights mechanisms (EA 6)

- ▶ To support UPR follow-up, ROCA, the Ministry of Justice and UNDP Kazakhstan co-organized a series of roundtables across the country to raise awareness of the UPR recommendations. The roundtables also provided a platform for the presentation of the Ministry's draft national plan of action on the implementation of the recommendations. The draft plan was posted on the Ministry's website to generate feedback and recommendations on further elaboration. As a result of the roundtable, the National Human Rights Action Plan was adopted as a legally binding act.
- ▶ In April 2011, Kazakhstan's Ministry of Foreign Affairs hosted a regional conference to support follow-up to the UPR recommendations and promote the abolition of the death penalty. ROCA and Penal Reform International supported the conference which brought together representatives of Governments, civil society and academia from Kazakhstan, Kyrgyzstan and Tajikistan. The participants endorsed a number of recommendations for all three countries, including the full abolition of the death penalty and accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ Human rights standards and principles are increasingly reflected in country policies, programming of individual agencies and advocacy initiatives of representatives from the international community. In Kyrgyzstan, ROCA chaired three working groups that were established in the aftermath of the June 2010 violence in southern Kyrgyzstan and focused on: the rule of law, human rights and reconciliation and conflict prevention.

Challenges and lessons learned

Following the June 2010 violence in Kyrgyzstan, OHCHR aimed to ensure an immediate and effective response to allegations of human rights violations by adopting a comprehensive approach to monitoring, reporting and advocating on human rights situations in the humanitarian context. As a result, OHCHR clearly identified priority human rights concerns, including the use and practice of torture and ill-treatment by law enforcement bodies; and serious gaps in the administration of justice, including the absence of fair trial guarantees, non-independence

Making rights a reality for the homeless

This is the story of 59-year-old Mihail, who prefers not to be identified by his surname. His wife and children left for Russia and lost touch with him. After the death of his parents, his sister persuaded him to sell their apartment in Jalal-Abad, Southern Kyrgyzstan. With the money generated from the sale of his home, Mihail planned to buy a smaller place so that his sister could use the remaining money to buy a place for herself. However, his sister left the country with all of the money. Mihail became homeless and squatted the basement of the building where he used to live. The basement was essentially a concrete box of four windowless walls. An operation on his knees left him disabled and unable to work. As he was not yet eligible to receive a pension, Mihail began to receive a disability benefit to cover his basic needs, thanks to the assistance he received from OOSZN; an NGO in

Kyrgyzstan working to protect the economic and social rights of marginalized groups.

Mihail is one of more than 100 beneficiaries of OOSZN's new project which began in 2011 and focuses on the right to adequate housing of Jalal-Abad's most marginalized groups, in particular the homeless. ROCA has supported the development of the project.

Many homeless people in Jalal-Abad do not have a birth certificate or identity documents which prevents them from: accessing social and medical services; voting; and participating in decision-making processes. Due to the limitations of the social welfare system to extend effective support and assistance to the most vulnerable, OOSZN supports individuals in obtaining their entitlements in the areas of health, education and adequate

housing, including by providing legal assistance in restoring identity documents and obtaining social benefits; representing those in need before local authorities; and advocating for the establishment of homeless shelters. OOSZN also conducted a survey to assess the living conditions of homeless persons in Jalal-Abad and provided recommendations that led to collaborative efforts with local authorities to improve the situation.

"We feel very happy when we manage to help someone in great need, like Mihail. We are even happier now, after the Jalal-Abad city administration has managed to allocate funds from the local and national budgets to start refurbishing an old building to make the first shelter for homeless persons in Jalal-Abad," said Kanybaev Sadyrbek, a lawyer with the project.

of the judiciary and limitations of the legal profession. OHCHR devised activities to effectively respond to this post-emergency situation, such as tailored workshops for lawyers and civil society representatives monitoring and documenting torture cases and a mentoring programme between international experts and national lawyers related to undertaking strategic litigation of torture cases in domestic and international proceedings.

Within this context, OHCHR also focused its efforts on monitoring and responding to violations of civil and political rights, such as arbitrary arrests, illegal detentions, allegations of torture and ill-treatment and other serious human rights violations that needed an immediate response. As the national focus shifted to peacebuilding, it became evident that violations of economic, social and cultural rights had also occurred with far-reaching consequences, including the increased vulnerability of ethnic minorities. International attention had focused on discrimination in the context of police investigations and judicial proceedings (i.e., arrests and detentions, unfair trials), yet missed other forms of ethnic discrimination (i.e., illegal seizure of businesses, land occupation and attacks against the property rights of ethnic minorities). In response, OHCHR broadened

its monitoring activities by undertaking outreach work in local communities to obtain a comprehensive overview of all potential human rights concerns.

Regional Office for Central Asia (Bishkek, Kyrgyz Republic): Expenditure in 2011		
	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	550,060	50,171
Consultants	1,968	5,440
Official travel	9,572	63,692
Contractual services	15,486	14,674
General operating expenses	46,569	29,671
Supplies & materials	10,350	7,858
Seminars, grants & contributions	41,553	281,932
Subtotal	675,558	453,438
Programme support costs	-	58,947
GRAND TOTAL	675,558	512,385

Regional Office for Europe (Brussels, Belgium)

Year established	2009
Staff as of 31 December 2011	3
Expenditure in 2011	US\$1,434,938

Background

The Regional Office for Europe (ROE) is based in Brussels, the seat of key institutions of the European Union, namely the European Commission, the Council of the European Union and the European Parliament. ROE follows developments relevant to human rights in the internal and external policies of the European Union, EU candidate countries and European countries which are not part of the EU (covering a total of 40 countries). It provides legal guidance and advocacy with a view to contributing to increased compliance with and awareness of human rights standards and the recommendations issued by human rights mechanisms. ROE also serves as a liaison office for the EU Agency for Fundamental Rights in Vienna and the Council of Europe in Strasbourg. The main human rights issues in the region include: discrimination against and exclusion of members of ethnic minorities, particularly the Roma; accessibility of services to persons with disabilities and their segregation from the community; maximum standards of protection for victims of trafficking in persons; violence against women; access to basic social services for migrants and detention conditions of migrants; administration of justice; and unsatisfactory child

protection systems which over emphasize the placement of children in institutional care. ROE became fully operational in January 2010 and since that time, has gradually increased its visibility as an active partner of the main EU institutions, the United Nations Team (UNT) in Brussels, national human rights institutions (NHRIs) and other civil society organizations (CSOs) based in Brussels and countries across the region. While ROE's efforts in 2010 were primarily focused on engagement with EU institutions, in 2011, it expanded its engagement to emphasize human rights issues and priority thematic areas within EU member states and countries in the region; a focus that will be expanded in the next biennium.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: EU legislation and policies on three areas (discrimination; rule of law; migration) have significantly improved their compliance with international human rights standards.*

In 2011, the European Commission adopted the EU Framework for National Roma Integration Strategies to complement and reinforce the EU's equality legislation and policies by addressing the needs of Roma in the following four priority areas: equal access to employment, education, housing and healthcare. Although the process of drafting the Framework could have benefited from wide consultation, its content generally complies with international human rights standards. ROE advocated with key stakeholders, such as the European Commission and civil society, to ensure that the Framework contained key elements of a human rights-based approach to Roma integration. ROE also provided guidance to EU member states and civil society organizations in the design and implementation of their respective national strategies. The EU addressed the issue of unaccompanied children in the context of its 2010-2014 Stockholm Programme. The European Commission's Action Plan on Unaccompanied Minors will be implemented in that timeframe. ROE organized a judicial colloquium on the implementation of article 3 (best interests of the child) of the Convention on the Rights of Children in Europe. During the colloquium, judges from national and regional courts in Europe shared their experiences and good practices in determining the best interests of the child in specific procedures related to migrant children, including unaccompanied and separated children. A study prepared after the colloquium provided a review of judicial decisions from



Commemoration of Human Rights Day in Brussels organized by the OHCHR Regional Office for Europe and its partners, December 2011.



The High Commissioner with the President of the European Commission, February 2011.

regional and national courts and identified a number of relevant cases. It is expected that this study will serve as a valuable legal advocacy tool in guiding future relevant jurisprudence and policy throughout Europe.

The EU agency FRONTEX (tasked with coordinating operational cooperation between EU member states on border security) produced a Trainer's Manual on Anti-Trafficking Training for Border Guards in 2011. The manual will be used in national-level trainings of border guards. In cooperation with other UN and regional bodies, ROE provided legal and technical advice on the compliance of the FRONTEX manual with existing international and regional human rights standards.

In 2011, the European Commission proposed a number of legislative initiatives to ensure that all victims of crimes have the same rights, regardless of their nationality or where in the EU the crime took place. The draft directive on victims of crime is an important development in the harmonization of legislation and protection of all victims of crime. Nevertheless, some articles need to be modified to ensure that the human rights of victims are fully respected. ROE, UNHCR, UNICEF, UNODC and UN Women prepared a joint set of comments addressed to the European Commission on the draft directive to bring it in full compliance with international human rights standards.

State engagement with human rights mechanisms (EA 6)

- ▶ *Target: Seven countries of those participating in the regional Universal Periodic Review (UPR) follow-up workshop achieved significant progress*

on follow-up.

In March 2011, ROE organized a follow-up workshop on the outcomes and recommendations of the UPR and other human rights mechanisms for representatives of Governments, NHRIs and CSOs from countries in the region that had been reviewed by the Human Rights Council up to the sixth UPR session. The workshop was attended by representatives from 17 countries as well as the UNT in Brussels, the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR). Following the issuance of its UPR recommendations, Switzerland reported that it had signed the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse and noted that certain adaptations needed to be made to its criminal law. The Czech Republic acted on its UPR recommendation regarding alternative measures to the institutionalization of children by adopting a law prohibiting the placement of children under the age of three years in institutional care. In November 2011, under the auspices of the Czech Ministry of Labour and Social Affairs, ROE organized a subregional workshop on the care for vulnerable children under the age of three years. Lessons learned and good practices were exchanged among countries in the subregion. In accordance with various UPR recommendations on taking measures to combat violence against women and gender-based violence, France, Montenegro, Norway, Portugal and the former Yugoslav Republic of Macedonia signed the

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in 2011. The Convention will not enter into force until it has been ratified by 10 countries (eight of which must be EU member states). ROE undertook a joint advocacy event with the Council of Europe to support ratification of the Convention.

- ▶ *Target: 10 out of 12 countries participating in an OHCHR briefing submit reports which fully conform to reporting guidelines, reflecting a participatory process.*

In October 2011, ROE organized a briefing for countries in the region on the common core document and the treaty-specific lists of issues prior to reporting. Representatives of 27 countries from the region participated in the event. Knowledge about reporting procedures throughout the region was diverse. While some countries have adopted them, others have only examined the possibility of doing so. ROE will continue to monitor the reporting status of participating countries.

- ▶ *Target: Very high proportion of consultations with the EU and visits by the special procedures to countries in the region secured within 12 months of request.*

The Regional Office organized a range of meetings and briefings in Brussels with key stakeholders from the EU (i.e., European External Action Service, European Parliament Sub-Committee on Human Rights, various Directorates General of the European Commission, representatives of member states in Brussels), civil society and members of the UNT in Brussels for the respective visits of the Special Rapporteur on the human rights situation in Iran, the Special Rapporteur on freedom of religion or belief and the Independent Expert on Haiti. In the fall of 2010, ROE initiated the process of a visit to Brussels by the Special Rapporteur on violence against women. The visit took place in June 2011 and consisted of: a regional consultation with key civil society stakeholders on the issue; meetings with the Council of Europe's Committee on Equal Opportunities for Women and Men; interventions at the European Parliament Committee for Women's Rights and Gender Equality (FEMM) and the European Union's Working Group on Africa; and meetings with the Head of Cabinet, Vice-President of the European Commission and Commissioner for Justice, Fundamental Rights and Citizenship and the Chair of the European Parliament Subcommittee on Human Rights.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *Target: Joint submissions with the United Nations Office in Brussels to influence EU policy and legislation to fully reflect the UN's guidelines on a human rights-based approach.*

In collaboration with other agencies in the UNT in Brussels, ROE prepared several joint submissions to EU institutions in 2011. For example, ROE took the lead in the joint preparation, with UNODC and UNICEF, of a submission to the European Commission on a green paper related to the application of EU criminal justice legislation in the field of detention to ensure that international human rights standards are taken into account in relevant EU actions. ROE also prepared, in collaboration with ILO, UNHCR, UNICEF, UNODC and UN Women, a commentary and guide on the application of a human rights-based approach to the transposition into national legislation of the EU Anti-Trafficking Directive.

Challenges and lessons learned

The global economic crisis continues to have an adverse impact on the social situation and policies of a number of EU member states, particularly those in Eastern and Southern Europe. Austerity measures resulting in cuts to social services are having an impact on access to services by the most vulnerable, including migrants, ethnic minorities, children, persons with disabilities, refugees and asylum-seekers, as well as across societies as a whole. These measures are also causing setbacks in development as evidenced by cuts to community-based, person-centred services, while large institutions remain unaffected. Within this context, challenges faced by ROE include finding ways to ensure that funding cuts do not come at the expense of the protection of human rights. ROE is continuing to prioritize advocacy against the institutionalization of older persons, children deprived of parental care and persons with disabilities (particularly those with intellectual and mental disabilities), in favour of community-based care in accordance with a human rights-based approach. In June 2011, ROE launched a report entitled "Forgotten Europeans, Forgotten Rights," which compiles international and regional standards related to the human rights of persons who have been placed in institutions and launched a joint call to action (with UNICEF) to stop the institutional placement of children under the age of three years. ROE has organized a

series of initiatives to address this issue. As a follow-up to the launch, ROE organized a workshop in Prague, Czech Republic in November 2011 to provide a forum of exchange between 17 countries in Central and Eastern Europe on the development of family-based care for children under the age of three years. Similar events are planned for 2012 regarding the use of European Union Structural Funds for the independent living of persons with disabilities and the rights of older persons.

Regional Office for Europe (Brussels, Belgium): Expenditure in 2011		
	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	759,483	-
Consultants	-	35,692
Official travel	7,318	85,852
Contractual services	-	53,340
General operating expenses	119,228	41,753
Supplies & materials	4,896	8,373
Seminars, grants & contributions	49,470	212,639
Subtotal	940,395	437,649
Programme support costs	-	56,894
GRAND TOTAL	940,395	494,543

Human Rights Advisers to UN Country Teams

Republic of Moldova

Year established	2008
Staff as of 31 December 2011	1

Background

The Republic of Moldova remained in a political stalemate during 2011. Efforts to elect a president, ongoing since 2009, were unsuccessful. Renewed parliamentary elections are a distinct possibility for 2012.

During 2011, the Republic of Moldova was reviewed for the first time under the Universal Periodic Review (UPR). The High Commissioner for Human Rights visited the country for the first time and the Special Rapporteur on freedom of

religion or belief undertook a mission in September. The Republic of Moldova was also reviewed by the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on Economic, Social and Cultural Rights (CESCR). Following these engagements, a number of areas of reform were further clarified. The Government acted on a number of recommendations issued by international human rights mechanisms resulting in: the first official recognition of a Muslim community; an initiation of discussions on amendments to the regulatory regime for religious communities; a review of the Law on HIV/AIDS; and steps taken towards an improved Action Plan related to Roma. The National Human Rights Action Plan was approved in the first half of the year and the comprehensive Justice Reform Strategy was approved by Parliament in December. The Government also adopted a data protection law in 2011.

Despite the progress achieved in the areas of law and governance, concerns remain regarding diverse human rights and social inclusion issues, such as the treatment of persons in detention; the rights of patients; the social inclusion of persons with disabilities; protection against discrimination for a range of persons and groups including lesbian, gay, bisexual and transgender (LGBT) persons and groups, persons with stigmatized diseases such as HIV/AIDS, religious and linguistic minorities, and Roma; freedom of religion, conscience and belief; and the accuracy and adequacy of data and other information in key sectoral fields related to social inclusion. In addition, a number of reform initiatives were not yet completed. In February, the Government submitted a draft law on anti-discrimination to Parliament for the second time but withdrew the bill following mobilized conservative opposition. Other draft amended laws that are in progress focus on the social inclusion of persons with disabilities, HIV/AIDS and tuberculosis. Amendments to the Criminal Procedure Code are also pending and revisions to the Law on Equal Opportunities between Men and Women have apparently stalled. In Transnistria, very serious human rights concerns remain, but following peaceful elections, the year ended with its first ever change in leadership.

During this period, the Human Rights Adviser (HRA), in cooperation with the UN Resident Coordinator, has played a crucial role in human rights reform in the Republic of Moldova. UN agencies worked to coordinate with the Resident

Coordinator to provide expert inputs for the shaping of draft laws, regulations and policies, and respond to emerging key human rights issues. In recognition of the expertise provided by OHCHR, the HRA has actively participated in processes such as the biennial EU-Moldova human rights expert meeting and dialogues. The HRA has increasingly been seen as a key expert adviser by Government, civil society organizations (CSOs), the national human rights institution (NHRI) and the international community working on human rights in the Republic of Moldova.

Results

National laws, policies and institutions (EA 1)

- ▶ The National Human Rights Action Plan was successfully adopted in June 2011. Both the Government and civil society organizations were supported in the development of the Plan.
- ▶ In February, the Government submitted a draft law on anti-discrimination to Parliament for the second time, but withdrew it due to the opposition it faced. The Human Rights Adviser advocated for its approval; supported CSOs in their advocacy efforts; assisted the United Nations Country Team (UNCT) in providing comments on drafts; and engaged with a number of international human rights mechanisms to advocate for its adoption. The draft law has also become a key condition for visa liberalization with the European Union.
- ▶ The new Data Protection Law was adopted in 2011, improving Moldova's compliance with international standards in this area. The Law will enter into force in April 2012. Further attention will be needed to ensure that its practical application extends to key fields involving sensitive personal data. The HRA supported the Resident Coordinator's Office to comment on the draft, focusing on key aspects of discrimination, in particular in relation to persons with HIV/AIDS.
- ▶ Following extensive efforts undertaken by the Human Rights Adviser and the UNCT, a draft law on the Social Inclusion of Persons with Disabilities was sent to Parliament in December. The draft includes core elements of the Convention on the Rights of Persons with Disabilities (CRPD), including equal legal capacities for persons with disabilities and reasonable accommodation for persons with disabilities.
- ▶ The HRA supported the Ministry of Health and the Government in efforts to improve the protection of the rights of persons in



The High Commissioner visits a psychiatric institution in the Republic of Moldova, November 2011.

psychiatric institutions, resulting in an agreement to establish an independent institutional complaint review mechanism; an Ombudsman in psychiatric institutions. The idea was proposed and developed by the Human Rights Adviser.

Access to justice and basic services (EA 4)

- ▶ Efforts initiated by OHCHR resulted in the first legal recognition of a Muslim community in the Republic of Moldova. The Human Rights Adviser ultimately succeeded in assisting the Government in overcoming opposition to registration of the community, including by identifying discriminatory processes used by authorities to register Muslim communities. Other support was gained through extensive work undertaken by the UN Regional Coordinator's Office and information generated by the UN-Moldova Human Rights Dialogue, the CERD Committee and the Special Rapporteur on freedom of religion or belief.

State engagement with human rights mechanisms (EA 6)

- ▶ Throughout 2011, different degrees of progress were achieved regarding the implementation of the nine recommendations issued by the UN Human Rights Committee, the Committee against Torture, the Special Rapporteur on torture and the Special Rapporteur on violence against women. For example, despite the recommendation to reduce the maximum period a person can be detained before being brought before a judge to 48 hours, the

Criminal Procedure Code provides a limit of 72 hours. The draft law on criminal procedure which is currently pending in Parliament, proposes that this time limit be maintained. In the area of violence against women, progress has been achieved since 2009 in improving the response to domestic violence. Protection orders have been issued to victims by certain courts under the 2008 Law on Domestic Violence. In addition, amendments were made to a number of laws in September 2010 to heighten the efficacy of the legal framework for combating domestic violence and other forms of violence against women, including by criminalizing domestic violence. Nevertheless, effective protection to victims remains unavailable, particularly in rural areas. Moldova's National Preventive Mechanism (NPM) also remains weak and its work is largely invisible to the public. During 2011, several new members were added to the consultative council of the NPM, but the appropriateness of the appointments is in question. The body is currently dominated by former security and penitentiary officials and lacks individuals who are competent in psychological and medical documentation.

- ▶ The Republic of Moldova prepared its UPR report in compliance with the reporting guidelines. The report was reviewed by the Human Rights Council on 12 October 2011. Civil society and NHRI representatives were trained in UPR modalities and assisted in the provision of inputs during various stages of the UPR process. The HRA also supported study visits to Geneva, provided comments and inputs into the Government report, travelled with the Government delegation to Geneva and assisted with the lead up to the Working Group review. Following the October 2011 review, the HRA has worked closely with the Government and civil society to begin preparations for the implementation of the UPR recommendations.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ Human rights, in particular non-discrimination and economic, social and cultural rights, were mainstreamed into the new UN-Moldova Partnership Framework 2013-2017, with a number of indicators referring to international commitments. The UNCT and key partners developed a new Roma Inclusion Action Plan, focusing on key anti-discrimination and social rights issues, which was adopted in June. A "Diversity Initiative" was also endorsed and individual agencies began to demonstrate a commitment to diversity, as seen in the inclusion of a text on diversity in job announcements and

the use of Braille on UN business cards. In addition, UNDP and UN Women worked closely with OHCHR on the integration of human rights-based approaches to decentralization, local governance and community empowerment. As a result, unique models were piloted with the guidance of the Human Rights Adviser on strengthening the participation of women from extremely vulnerable communities.

Challenges and lessons learned

In 2011, major successes arose from OHCHR-led human rights work in the Republic of Moldova. These included legal reforms to better anchor human rights in the domestic system (in areas such as data protection), the adoption of key policy

Ms. Natalia Mozer is the wife of Mr. Vladimir Mozer, head of the Lutheran Community in the Republic of Moldova, and mother of Mr. Boris Mozer, who previously worked doing international marketing at the company Sheriff, one of the major oligarco-security business structures in the separatist region of Transnistria. In October 2008, Boris Mozer was arrested by Transnistrian authorities and arbitrarily detained for over a year and a half and, during that time, severely abused by security services. Mr. Moser appears to have become attractive to the Transnistrian authorities because of his international contacts.

Mr. Moser is severely asthmatic. Security forces repeatedly put him under heavy stress and refused to give him access to his medicine. As a result of this, and other methods of ill-treatment, such as threats to himself and his relatives (which included a mock execution and threats of a "real one" if he failed to comply), he signed a "confession" in relation to various financial crimes. Due to the stress, his health condition worsened and he suffered several asthma attacks. He was kept in unhealthy conditions of detention, including high humidity, lack of access to natural light and lack of ventilation, overcrowding (being held in a 15 square metre cell with 12 other persons), and heavy smoking in the cell which contributed to additional asthma attacks. The combination of the threats, prolonged detention and degrading treatment that rose to the level of torture led Mr. Mozer and his family to turn over several tens of thousands of dollars worth of possessions to the Transnistrian authorities.

OHCHR worked closely with Natalia Mozer and ultimately contributed to securing Boris Mozer's release from detention at the beginning of July 2010. OHCHR subsequently assisted Ms. Mozer in establishing a Chisinau-based support group for mothers of detainees in Transnistria and assisted Boris in seeking asylum abroad.



Students of the Human Rights Masters Programme during a visit to OHCHR headquarters.

instruments (including the National Human Rights Action Plan and a Roma inclusion action plan), and major steps forward in tackling long-term discrimination issues as evidenced by, for instance, the first official recognition of a Muslim community. Far more importantly, public debates were held on key issues such as respect for equal dignity in a diverse society.

There were also challenges faced, including resistance from conservative sectors regarding the adoption of a comprehensive anti-discrimination law and the Government's opposition to the Human Rights Council's recommendation on combating discrimination and violence on LGBT grounds. Numerous domestic groups also opposed equal rights for LGBT persons, religious and linguistic minorities and Roma. In practice, a number of issues remained of serious concern, in particular related to the police, border authorities and treatment in psychiatric care.

Nevertheless, OHCHR demonstrated in 2011 that engagement with and support for the human rights community, across a broad range of partners including the UNCT, Government, CSOs, the NHRI and the international community, can pay off positively in terms of genuine progress. In addition, OHCHR played a catalytic role in disseminating information on a human rights culture among broad segments of the general public.

Russian Federation

Year established	2008 (formal establishment/arrival of Human Rights Adviser). Preparatory presence of national staff; adoption of cooperation framework in August 2007.
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Staff as of 31 December 2011	3
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Background

Despite many positive steps and measures undertaken by national and local stakeholders in Russia in 2011, human rights challenges prevailed in the areas of civil and political freedoms and economic, social and cultural rights. Existing democracy deficits were further aggravated by limitations resulting from the regional elections of governors and continuing restrictions on the freedoms of assembly and expression. Yet some of these challenges also presented opportunities for public and non-governmental human rights defenders, civil society and academic circles to suggest, initiate or bring about structural change to improve the overall human rights situation in the country. Rule of law concerns, including accountability and protection of the rights for all citizens, are real challenges that must be addressed through an holistic approach with a strong human rights focus.

OHCHR has engaged with the Russian Federation on a number of human rights issues through a "Framework for Cooperation" which emphasizes issues such as: the rule of law; equality and

tolerance; and education and information on human rights. Considering that many of OHCHR's concerns are shared by a large number of national actors, OHCHR's main priority is to ensure it maintains coherence and sustainability in its work through better articulation of human rights dimensions. It also works to strengthen complementarities and facilitate coordination with various UN agencies, Government institutions and civil society. In this context, OHCHR will continue to provide advice and specific expertise with a particular view to promoting international human rights mechanisms and the integration of international human rights standards into selected areas of OHCHR-Russia's technical cooperation initiatives.

In February 2011, the High Commissioner conducted her first official mission to the Russian Federation and raised human rights issues with high-level representatives of the Government and OHCHR partners.

Results

National laws, policies and institutions (EA 1)

- ▶ Following regular working consultations between the Supreme Court Judicial Department and OHCHR, a joint Plan of Action was signed in February on the promotion of international human rights law among the Russian judicial community. A working group was established to elaborate mechanisms for creating a human rights network and the posting of UN/international documents on the judicial portal.
- ▶ Following the establishment of the Human Rights Masters Programme in 2010, there was enhanced coordination between international partners and Russian universities to facilitate further development of the Programme. This was achieved, inter alia, by securing access to good practices and expertise and enhancing inter-university cooperation and commitments to promote high-quality human rights education. OHCHR's support enabled project partners to encourage the mobility of European lecturers to Russia and provide students with broader access to the richness and variety of human rights courses and expertise offered by European universities.

Participation (EA 5)

- ▶ As in the previous year, eight Fellows from diverse indigenous communities formed part of the Moscow component of the OHCHR Indigenous Fellowship Programme, in cooperation with the Peoples' Friendship University and the Russian Association of Indigenous Peoples RAIPON. The Fellows were introduced to the UN system and

acquired practical knowledge on the use of international and national protection mechanisms specifically dealing with the rights of indigenous peoples. Complementary outreach activities included visits to and briefings by Government institutions, the United Nations Country Team (UNCT) and civil society organizations (CSOs). After completion of the programme, the Fellows had the capacity to apply their acquired knowledge in practical activities for the protection of the rights of their communities. OHCHR provided overall support to the fellowship programme.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ The Human Rights Adviser continued to provide ad-hoc guidance, briefings and background information on particular rights, groups of rights and international human rights mechanisms to individual UN agencies. In addition, OHCHR Moscow continued to play a leading role in supporting UN activities focusing on the promotion and protection of human rights. This included the organization of joint awareness raising events, such as "16 Days to Counter Violence against Women in the Russian Federation," in collaboration with the Union of Journalists of Russia and a UN-focused day centred around the XVII International Human Rights Film Festival entitled "Stalker," devoted to the celebration of Human Rights Day.

Challenges and lessons learned

In accordance with the "Framework for Cooperation" with the Russian Government, one of the priorities for the OHCHR presence in Moscow is human rights education. In this regard, a joint Human Rights Masters Programme was launched in 2009 with three leading Russian universities. To reach a wider public that includes students as well as practitioners, the Consortium of these universities cooperated with OHCHR to organize the First Moscow Summer School on Human Rights. The Summer School sought to raise awareness on human rights issues and facilitated practical discussions on their implementation, bringing together graduate and doctorate students, practitioners and professors from different countries. The Summer School was attended by approximately 40 participants from Azerbaijan, Belarus, Brazil, China, Ireland, Kazakhstan, Kyrgyzstan, Portugal, Republic of Korea, Russia, Spain, Tajikistan and Ukraine. The Moscow Summer School on Human Rights is expected to be an annual event which will contribute to raising awareness on human rights issues and strengthen Russian civil society.

Serbia

Year established	Office in 1996 and Human Rights Adviser in 2007
Staff as of 31 December 2011	2

Background

Serbia has done a great deal in the recent past to establish a normative and institutional framework for human rights protection. In 2010, Serbian Ombudsman was awarded “A” status accreditation by the International Coordination Committee of National Human Rights Institutions. The Serbian Ombudsman plays an increasingly important role in human rights protection and raising awareness regarding pressing human rights issues in country. In 2011, the Ombudsman was appointed as the National Preventive Mechanism (NPM) against torture. The NPM will also operate in the Vojvodina Province in cooperation with the local Ombudsman and civil society organizations (CSOs). Despite the efforts undertaken for the adoption of the Roma Inclusion Strategy and Action Plan, the Roma community in Serbia continues to suffer in conditions of extreme poverty. This national minority continues to struggle with a broad range of challenges, including high unemployment and school dropout rates, widespread discrimination and forced evictions from informal settlements. Judicial reform that began in late 2009 was implemented during 2010 with some results seen in 2011, primarily related to the reduction of the court case backlog. Concerns remain, however, with regard to the implementation by courts of ratified international human rights treaties.

An important result was achieved with the adoption of the Social Welfare Law under which the institutional placement of children under the age of three years is prohibited. The deinstitutionalization process for adults is developing very slowly. Human rights defenders continue to work under difficult conditions in Serbia as they are often exposed to threats and violence. Negative perceptions stemming from past negative stereotyping campaigns persist and continue to impact on human rights defenders. Very little has been done to address this problem. Funding for the work of human rights defenders in Serbia has decreased. Human rights defenders have indicated that while State protection is improving, it is not yet at an adequate level.

The Human Rights Adviser in Serbia plays an important role in ensuring the impact of the work of

UN human rights mechanisms on the ground. The Adviser’s strategies include mainstreaming of human rights in the work of the United Nations Country Team (UNCT), advising the Human Rights Directorate on issues relevant to monitoring and implementation of human rights treaties and ensuring adequate and strategic support of the UNCT to the Serbian Ombudsman. The Human Rights Adviser also works closely with regional organizations in support of human rights defenders and activities aimed at improving the human rights culture in the country.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: Increased compliance of policies with international human rights standards in two areas: economic, social and cultural rights and human rights defenders.*

There is no comprehensive national policy on human rights defenders although it is recognized that their work is crucial for the advancement of human rights in the country. In November, the Human Rights Adviser worked in partnership with the Organization for Security and Co-operation in Europe (OSCE) Mission in Serbia and the Lawyers Committee for Human Rights (YUCOM), and under the auspices of the Human Rights Directorate of the Government of Serbia, to organize a conference entitled “Towards the National Policy on Human Rights Defenders.” The aim of the conference was to analyse and propose solutions for the protection and financing of human rights defenders. Government delegates and representatives of national institutions expressed their commitment to continue working on the development of a policy. The conference is the culmination of three years of collaboration between the Human Rights Adviser, OSCE and YUCOM. Some progress was also achieved in the promotion of the work of human rights defenders. For instance, in December, the City of Belgrade provided the premises for the “Human Rights House” which will host five human rights organizations. This important achievement was the result of awareness-raising conducted over previous years, the common advocacy strategy implemented by human rights defenders and assistance provided by the Human Rights Adviser and the OSCE Mission in Serbia. In addition, a Solidarity Network and Mechanism, developed with the assistance of the Human Rights Adviser and OSCE, was established in 2011. This network provides human rights defenders with legal assistance. It is recognized by the EU delegation

in Serbia, which designed its Human Rights Defenders Strategy for Serbia based on the Structure of the Solidarity Network. It should be noted that the EU Strategy in Serbia was designed and launched in line with the advice provided by the Human Rights Adviser.

Regarding economic, social and cultural rights, when carrying out relocations of Roma settlements, the Government is increasingly following international standards on the right to adequate housing and on forced evictions. UN Guiding Principles on Development-Based Evictions are increasingly being put into practice, such as in the case of the relocation of a Roma settlement in Belgrade (Block 72), during which the community was consulted, planning for alternative housing solutions was envisaged and the participation of CSOs was promoted. This represents a clear change from the practices observed during forced evictions in 2009. It is also a direct result of OHCHR's multi-year engagement through: awareness-raising; advocacy with local and national institutions for full implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR); educational workshops with national and local level public administration staff; and strategic support to, and capacity-building for, the Ombudsman's Office. Another visible result of the Adviser's advocacy initiatives related to the advancement of economic, social and cultural rights in Serbia is the situation of the container Roma settlements in Belgrade. The settlements were established after the relocation of the Gazela slum in 2009 and are in good condition with no overcrowding.

- ▶ *Target: The national human rights institution (NHRI) has worked in conformity with international standards to a partial extent in the area of human rights protection.*

In late 2011, the Serbian Parliament adopted relevant legislative changes and appointed the Ombudsman as the National Preventive Mechanism, in line with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). OHCHR intensively advocated for the appointment of the NPM in Serbia and worked with the Ombudsman to ensure the developed NPM model fully complies with international standards. OHCHR also worked closely with the Ombudsman's Office to strengthen the institution and its ability to provide effective human rights protection. With OHCHR support, the Ombudsman has established a system for effective monitoring and reporting on Roma rights.

Access to justice and basic services (EA 4)

- ▶ Result achieved for which no target was set: As a result of the joint efforts of the Ministry for Human and Minority Rights and the Ombudsman, with substantive support from the Human Rights Adviser, the Law on ID Cards was changed and temporary ID cards were introduced for people without a temporary residence address or for those for have a temporary administrative address. In addition, the Law on Residence was changed to introduce the obligation for municipal social welfare centres to provide an administrative address to persons whose residence cannot be established. This partially resolved the issue of access to personal documents for persons living in informal settlements. Although this was not part of the initial plan for 2011, the Human Rights Adviser considered it appropriate to work on this issue following a request for support from the Resident Coordinator and the Deputy Ombudsman on Minorities for the development of a proposal to resolve the issue in compliance with international human rights standards.

State engagement with human rights mechanisms (EA 6)

- ▶ *Target: Six out of 10 (60 per cent) priority outstanding recommendations from treaty bodies (Committee against Torture (CAT) and the Human Rights Committee (HRC)), special procedures (Special Representative of the Secretary-General on the situation of human rights defenders (SRSG)) and the Universal Periodic Review (UPR) substantially implemented.* A total of seven outstanding recommendations were substantially or completely implemented during 2011, including: two issued from the UPR on enhancing the effectiveness of the Office of the Ombudsman and strengthening the national mechanisms for the implementation of decisions of the treaty bodies; two issued by treaty bodies on the establishment of a NPM for Serbia and the creation of a mechanism to address individual complaints; and three issued by the SRSG on human rights defenders on the increased involvement and consultation of civil society, improved coordination for human rights defenders protection, and increased involvement of the international community in the protection of defenders. As an example, OHCHR supported the Office of the Ombudsman to effectively monitor implementation of international human rights standards with a specific focus on the Roma population and the establishment of the Ombudsman's Programme for monitoring the enjoyment of rights by Roma people. In another

example, the Human Rights Directorate, which includes experts from civil society and provides advice and opinions from the Human Rights Adviser and the OSCE Mission in Serbia, completed the analysis and created the “Model for Implementation of the UN Treaty Body Decisions in Individual Cases.” The Model presents the recommended steps and procedures for State implementation of the decisions. Following the appointment of the Ombudsman as the National Preventive Mechanism, OHCHR supported the Ombudsman on issues related to torture prevention and specifically on implementation of the OP-CAT.

- ▶ *Target: 80 per cent of submitted reports (common core document and reports under CAT, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Rights of Persons with Disabilities (CRPD)) in conformity with reporting guidelines.*

With the support of the Human Rights Adviser and OSCE, the Human Rights Ministry developed a procedure for the drafting of State Party reports that is consistently followed. The Serbian Government established an interministerial working group tasked with drafting the initial State Party report to the CRPD. Civil society representatives were invited to fully participate in the process which was conducted based on UN guidance and advice. The State Party report on the implementation of CEDAW was drafted following a transparent process with the participation of CSOs. In 2010, Serbia fulfilled its reporting obligations under the following UN treaty bodies: CAT, the first and second Optional Protocols to the Convention on the Rights of the Child, ICERD and the International Covenant on Civil and Political Rights.

Challenges and lessons learned

A strong and credible national human rights institution (NHRI) can play a crucial role in advancing human rights in a country. The steps taken by the Ombudsman in Serbia led to the establishment of new standards in human rights protection in the country, as seen in its work on the case of forced evictions of Roma from informal settlements. The effectiveness of the Ombudsman, however, should be secured and any attempt to limit its role prevented. Often, the unique nature of the Ombudsman is interpreted as being similar to the role of different Government’s councils and commissions. In the summer of 2010, the

Parliamentary Rules of Procedure introduced the regulation of adopting the Ombudsman’s Annual Report jointly with reports of various Government bodies whose true independence was never guaranteed. A wide margin of discretion was therefore left to the ruling coalition to decide on the acceptability of the Ombudsman’s Annual Report, thus bringing the independence of the institution into serious jeopardy. The amendment of the Parliamentary Rules of Procedure in early 2011 was made possible due to the strong, focused and well-substantiated advocacy of international actors and local civil society organizations, and supported by the expert opinion of OHCHR. These efforts were also fundamental to bringing back the guarantees of independence along with the recognition of the unique nature of the NHRI among other national institutions.

In November 2011, 33 Roma families living in the informal Roma settlement (Block 72) in New Belgrade received eviction notices informing them that they were obliged to remove their shelters from State property. The eviction notices included information about available legal remedies but also stated that an appeal would not postpone the execution of the decision. In the days following the receipt of eviction notices, non-governmental organizations (NGOs) communicated closely with the Serbian Ombudsman who immediately initiated processes against public administration institutions involved in the process. Based on the Ombudsman’s fast and focused reaction, the Human Rights Directorate in the Ministry of Human Rights, the State Administration and Local Self-Governance organized a working group consisting of the representatives of State institutions and the NGO Praxis. The working group concentrated on the implementation of the Special Rapporteur on housing’s “Guiding Principles on Development-Based Evictions” in relation to the relocation of the Block 72 informal settlement. During November 2011, the Human Rights Directorate organized the first consultations with the affected community and requested the support of the Human Rights Adviser on the methodology for these consultations. All relevant institutions represented in the working group were introduced to the “Guiding Principles on Development-Based Evictions” and General Comments No. 4 and No. 7 of the Committee on Economic, Social and Cultural Rights. In the second half of December, the working group, led by the Human Rights Directorate, successfully advocated for a decision to postpone the relocation of the informal settlement until the spring of 2012 at the earliest. This development presents a huge step forward in terms of the enjoyment of the right to adequate housing of Roma in Serbia and contrasts with previous relocation practices which did not include community consultations or ensure a transparent process.

South Caucasus (based in Tbilisi, covering Georgia, Azerbaijan and Armenia)

Year established	2007
Staff as of 31 December 2011	4

Background

The legacy of armed conflicts in the three countries of the South Caucasus has had dramatic effects on the lives of people in this subregion. Conflicts began in the aftermath of the break up of the Soviet Union and took place between Russia and Georgia in August 2008. These conflicts resulted in significant population displacements and left the people and the Governments of the region with an enduring feeling of insecurity. Fundamental freedoms, especially freedoms of assembly and expression, continue to be threatened and significant challenges remain in relation to the right to a fair trial and the functioning of the justice sector as a whole. People deprived of liberty are frequently subjected to ill-treatment. Other challenges include ensuring enjoyment of the rights of persons with disabilities, the right to adequate housing and respect for property rights.

In addition to providing advisory services to the three United Nations Country Teams (UNCTs), Governments, national human rights institutions (NHRIs) and civil society organizations (CSOs), the Human Rights Adviser (HRA) undertook training activities for lawyers and journalists in international human rights standards in 2011. The trainings aimed at increasing the institutional capacity of bar associations, supported the implementation of recommendations accepted by the three countries

during the first cycle of the Universal Periodic Review (UPR) and enhanced the use of international human rights mechanisms by all relevant actors. The Human Rights Adviser also assisted NHRIs and CSOs in analysing public policies from a human rights perspective and promoting and protecting human rights in the subregion. Additionally, the Human Rights Adviser cooperated with other UN agencies, bilateral and multilateral international actors, donors and regional intergovernmental organizations on issues related to human rights and the rule of law to ensure that they remain high on the agenda of the international community.

Results

National laws, policies and institutions (EA 1)

- ▶ As a result of the OHCHR learning needs assessment conducted in cooperation with the Georgian Bar Association (GBA), progress has been made in preparing for the development of its human rights curricula. The outcomes of the assessment will be used to: adapt OHCHR's technical assistance to the GBA for capacity-building activities during 2012-2013; develop a human rights component in the curricula of the continuous education of lawyers; and develop recommendations for other UN agencies on providing possible technical assistance to the GBA.
- ▶ As a result of workshops organized by OHCHR, close to 180 defence lawyers from various parts of Georgia have been introduced to international human rights protection mechanisms and the application of international human rights standards in domestic courts. Nine events held in cooperation with the GBA focused on clarifying theoretical and practical aspects of various rights, including the right to liberty and to a fair trial, and issues related to juvenile justice, labour rights and freedom of expression. OHCHR intends to commission a study in 2012 to determine the extent to which use of international human rights law has increased in the Georgian courts.

State engagement with human rights mechanisms (EA 6)

- ▶ A first draft of Armenia's interim report on the implementation of UPR recommendations was developed following two workshops organized by the Ministry of Foreign Affairs of Armenia, OHCHR and UNDP. The Human Rights Adviser engaged with the Working Group on UPR implementation, comprised of representatives of the Armenian Government, NHRIs and non-governmental organizations (NGOs). The Working Group is playing a catalytic role in this



Participants of a media roundtable in Batumi, Georgia, December 2011.

process and assisting the Armenian Government and civil society to enhance their engagement with UN human rights mechanisms and bodies.

Responsiveness of the international community (EA 10)

- ▶ The Georgian media is gradually increasing its focus on human rights issues due in part to regular trainings and roundtable discussions on human rights issues organized by OHCHR throughout the country. In 2011, six workshops, roundtable discussions and information sessions were organized by the HRA to increase awareness among leading media representatives of international human rights standards and Georgia's relevant obligations. Among other topics, the events helped to clarify issues related to freedom of expression and access to information, property and labour rights, rights to freedom of peaceful assembly and of association, and the rights of persons with disabilities. As a result of these activities, the Georgian media has demonstrably increased its reporting on human rights-related issues, as documented by the media monitoring study commissioned by UNDP in 2011.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ Human rights are incorporated into all main programmes of UN agencies operating in Georgia and are well reflected in the United Nations Development Assistance Framework (UNDAF). OHCHR participated in all working groups operating under the UNDAF implementation format and chaired the UN Human Rights Coordination Group. In Azerbaijan, OHCHR participated in the work of the Gender Theme Group, the Communications Group, the Internally Displaced Persons (IDPs) Livelihood Working Group and various UNDAF coordination meetings. Inputs were provided to these groups for the development of their annual workplans, with a special focus on the development of a UPR follow-up matrix to be implemented within the framework of the UN Task Force on Human Rights led by UNICEF.

Challenges and lessons learned

The UPR process continues to be a sound departure point for OHCHR's engagement with local Governments. For the process to be effective, however, it needs to be credible and cooperative

and include the Government, civil society and the international community, including UNCTs. Work related to the rule of law and justice sector reform, in particular, should continue to be a priority; recognizing that changes in this sector do not occur overnight. During times of economic crisis, the priorities of countries and populations may shift away from the human rights field. The challenge is therefore to advise them on approaches that place human rights at the centre of solutions for economic problems.

In the South Caucasus, protracted conflicts continue to be one of the greatest obstacles to the full enjoyment of human rights by all. The High Commissioner's public statements on these situations during 2011 provided a solid foundation and impetus for further dialogue with the countries of the region regarding the key role that respect for human rights and international human rights standards could play in addressing these conflict situations.

Tajikistan

Year established	2010
Staff as of 31 December 2011	1

Background

The poverty rate in Tajikistan decreased from 72 per cent in 2003 to 47 per cent in 2009 and extreme poverty declined from 42 per cent to 17 per cent in the same period. Unemployment rates, however, remain high, especially among youth. Young people under 18 years of age constitute approximately 42 per cent of the total population. Insufficient economic opportunities have forced many to seek employment abroad. The country is heavily dependent on the remittances of migrant workers. According to the World Bank, Tajikistan tops the list of 10 countries with the highest percentage of remittances in their Gross Domestic Product (GDP). In Tajikistan, these remittances were equivalent to 42 per cent of its GDP in 2010.⁵ Many households depend on support sent by relatives living abroad to cover their daily subsistence needs, leaving some population groups in a vulnerable situation, including the elderly, children, disabled persons and single-headed families. As the majority of the population lives in rural areas, successful land reform initiatives are of vital importance to ensure sustainable development. Tajikistan has ratified

⁵ <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/TAJIKISTANEXTN/0,,contentMDK:20630697~menuPK:287255~pagePK:141137~piPK:141127~theSitePK:258744,00.html>



Tajik women discussing domestic violence problems.

seven of the international human rights treaties and has recently submitted all overdue reports on their implementation. Tajikistan's legislation and practice still lag behind its human rights obligations.

Tajikistan presented its Universal Periodic Review (UPR) report in October 2011 and the outcome report will be adopted in March 2012 during the last round of the UPR. The Human Rights Adviser coordinated the contributions from UN agencies and compiled the joint United Nations Country Team (UNCT) UPR report. She also provided technical assistance to the Government Working Group entrusted with drafting the national UPR report and engaged in the dialogue between the Government and civil society on the UPR process. Another area of focus of the Adviser's work was the coordination of the UN joint programme, in which eight UN agencies are taking part, aimed at strengthening the capacities of the Ombudsman. The Human Rights Adviser also: promoted the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT); participated in a series of seminars for law enforcement bodies and prosecutors on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW); participated in meetings and conferences held with UN Women; and advocated for the ratification of the Convention of the Rights of Persons with Disabilities (CRPD) through publications and other activities.

Results

National laws, policies and institutions (EA 1)

- ▶ The UN Joint Programme to strengthen the capacities of the national human rights institution (NHRI) was launched by the UN Resident Coordinator. Nine UN agencies contributed to the programme and carried out activities relevant to their mandates aimed at developing the capacities of the national institution in their areas of expertise. The Human Rights Adviser facilitated the Steering Committee's work related to implementation. The Adviser also cooperated with the Ombudsman institution to strengthen its capacities, for example by organizing a seminar on effective interview methodologies that can be used when working with victims of torture or other serious human rights violations and providing assistance in preparing the institution's application for accreditation. The Human Rights Adviser provided comments to and proposals for the institution's first five-year Strategic Plan. In a positive outcome of the extensive joint work undertaken on the promotion of the OP-CAT and the international standards to combat torture, the Ombudsman issued a public statement in relation to a recent case of torture and appealed to authorities to undertake an immediate investigation. The Ombudsman institution has also taken some encouraging steps to strengthen its role by introducing changes to the legislative basis for the implementation of its mandate. In

one example, legislation was adopted obliging all State bodies to respond to its inquiries. Changes to the Criminal Procedure Code were introduced to recognize the competence of the Ombudsman to visit closed institutions and the first of these visits were carried out in the last quarter of 2011.

Ratification (EA 2)

- ▶ As a result of the UPR recommendations and related awareness-raising activities, the Government is considering the possibility of ratifying the CRPD. As noted above, the Human Rights Adviser undertook a series of activities to promote the ratification of the Convention, including during meetings organized with the Government in the framework of the UPR process. The publication entitled “Disability: from social exclusion to equality,” was translated into Tajik language for parliamentarians to raise awareness among decision-makers and highlight the practical implications and benefits of ratifying the Convention. The Human Rights Adviser also supported the publication of the recently adopted Law on the Social Protection of Persons with Disabilities at the request of NGOs working with persons with disabilities.

State engagement with human rights mechanisms (EA 6)

- ▶ The Government has initiated the implementation of recommendations issued by various human rights mechanisms, such as CEDAW, CAT and the Special Rapporteur on violence against women. OHCHR provided content advice to strengthen the draft law against domestic violence which is currently under consideration by the relevant parliamentary committees. Together with the Regional Office for Central Asia and UN Women, the Human Rights Adviser organized a visit of a CEDAW Committee member to Tajikistan. The visit included a number of meetings with NGOs, parliamentarians and the Head of the Committee on Women and Family Affairs, each of which focused on their respective responsibilities and roles in the implementation of CEDAW recommendations. The CEDAW Committee member also identified shortcomings in the draft law on domestic violence and provided some suggestions on ways it could be strengthened.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ NGO coalitions are increasingly making use of UN human rights mechanisms and participated in trainings related to the preparation and submission of individual complaints to UN human rights mechanisms for individual

complaints and for the preparation of two shadow reports for CEDAW with the support of the Human Rights Adviser.

Challenges and lessons learned

One particular challenge faced by the Adviser was coordination of the two-year UN Joint Programme, to which nine UN agencies contributed (ILO, IOM, OHCHR, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF and UN Women), to strengthen the capacities of the national human rights institution. The Programme provides an opportunity to communicate the essential knowledge and skills needed by staff of the national institution to extend human rights protection and undertake advocacy within the focus areas of the UN’s work.

The Programme’s capacity-building objectives are achievable. Yet the primary goal of the Programme to hold joint discussions and implement joint activities in support of the NHRI has already proven to be challenging. Improved coordination is required.

The former Yugoslav Republic of Macedonia

Year established	2007
Staff as of 31 December 2011	1

Background

Since its independence in 1991, the former Yugoslav Republic of Macedonia has continued to move along the difficult path of democratic reform. Progress has been slow and the country faces challenges in relation to the rule of law, administration of justice and national institutions. Political and inter-ethnic dialogue, transparency and participation remain insufficiently realized, particularly impacting on the Roma, rural women and the most marginalized members of society who live in poverty and exclusion. The State remains committed to implementation of the widely accepted international human rights standards and in 2011, ratified three key instruments, namely, the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol and the Revised European Social Charter. Genuine understanding, the capacity to apply these standards in practice and the need to improve interaction with human rights mechanisms remain essential.

The Human Rights Adviser (HRA) has been based in the UN Resident Coordinator’s Office since 2007. The Adviser assists the UN and national partners to

increase State compliance with international human rights norms and their interaction with the UN human rights system and encourages the incorporation of human rights throughout all policies and programmes. In 2011, the Adviser supported efforts to improve interaction with international human rights mechanisms, ratify the CRPD and bring human rights institutions closer in line with standards. The HRA assisted the Government and civil society in assessing follow-up to the Universal Periodic Review (UPR) and reporting to the Human Rights Committee.

Results

National laws, policies and institutions (EA 1)

- ▶ *Target: The level of compliance of legislation and policies with international human rights standards has significantly improved in one selected policy area (non-discrimination).*

A working group was established in September 2011 to draft the National HIV/AIDS Strategy 2012-2016 in a participatory manner that included the participation of all relevant stakeholders. The Strategy seeks to address issues related to prevention, treatment and HIV at the community level. It will also include special considerations to address discrimination against persons living with HIV/AIDS, including based on gender. The working group is comprised of Government representatives, the Ombudsman, leading civil society organizations (CSOs) concerned with human rights and sexual and reproductive health, the Office of the Ombudsman and the Human Rights Adviser. In a positive development, the working group includes persons living with HIV/AIDS through representation by their self-help organization. The Human Rights Adviser has contributed to these efforts by providing technical advice on rights-based analysis and outcomes and how to define concerns and develop targeted actions to address key human rights issues related to HIV/AIDS. The Adviser will further contribute to the review and finalization of the draft Strategy in early 2012.

- ▶ *Target: The national human rights institution (NHRI) works substantially in conformity with international standards in its duty as a National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT).*

The Ombudsman delivered his statement of compliance for accreditation with the International Coordination Committee of National Human Rights Institutions. The October 2011 assessment granted the institution a “B” status and recommended the amendment of legislation



A mother votes in the June 2011 election in the former Yugoslav Republic of Macedonia.

to allow for a broader mandate and transparent appointment procedures in order to achieve the fully compliant “A” status. The Human Rights Adviser provided specific guidance for the drafting of the statement, distributed OHCHR materials to the National Preventive Mechanism after the start of its activities in June and facilitated its introduction to the Secretariat of the Subcommittee on Prevention of Torture (SPT).

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *Target: Degree to which UN Common Country Assessment (CCA)/United Nations Development Assistance Framework (UNDAF) has satisfactorily integrated international human rights standards and principles into its operations.*

The UN has increased the level of human rights analysis and consultation with civil society and other non-governmental actors. The Human Rights Adviser shared information, tools, thematic and monthly situation reports with the Resident Coordinator and the United Nations Country Team (UNCT) to keep them abreast of human rights developments at the national and international level. Joint UN advocacy initiatives for the alignment, implementation and acceptance of new human rights instruments were proactive, particularly in relation to Roma and persons with disabilities. An internal analysis of the main human rights concerns of the Roma was undertaken by the UNCT to inform UN programming and resulted in the prioritized mainstreaming of Roma considerations into relevant UN plans and programmes. As part of a joint UN project to address domestic violence, the Human Rights Adviser provided input into the

analysis of the legal implications of ratifying the newly adopted Council of Europe Convention on Violence against Women and participated in drafting key messages for the domestic violence campaign. Efforts were also made to improve communication regarding the work of the UN from a human rights perspective, including through the redesigned UN country web page. The page is being used to disseminate information on and recommendations issued by the UN human rights mechanisms on the country. The Human Rights Adviser supported the participation of the country in the seventh phase of the joint OHCHR/UNDP Assisting Communities Project (ACT) which provided small grants of up to US\$7,000 to four grassroots civil society organizations working to address discrimination through human rights education activities. The eligibility of the country to receive ACT grants was determined in May and the Human Rights Adviser was appointed as the UNCT's ACT Focal Point.

Challenges and lessons learned

The UPR review of the former Yugoslav Republic of Macedonia in 2009 raised the Government's level of

acceptance of the mechanism and mobilized its interest in conducting a 2011 midterm assessment of the implementation of the UPR recommendations. The assessment offered an invaluable opportunity for all relevant stakeholders to re-examine the UPR recommendations as well as those issued by all other UN human rights mechanisms and demonstrated the practical interrelatedness of all human rights. The "CRPD Advocacy and Action Points," which the Human Rights Adviser developed for UN agencies, encouraged enhanced joint action for the ratification and implementation of the Convention on the Rights of Persons with Disabilities. The document helped to mobilize UN joint advocacy for ratification and contributed to the efforts undertaken by disability organizations which led to the ratification of the Convention in December 2011. The document also triggered model assessments of physical accessibility to the UN premises and provided opportunities for persons with disabilities to participate in UN internship programmes. Although the activities were initially delayed as a result of early parliamentary elections, they were later successfully implemented by the Human Rights Adviser with the support of and demonstrated commitment from relevant Government officials.

The Adolescent Roma Mother

It is believed that home birthing and the failure to register those births are part of the traditions and lifestyle of the Roma community. Yet this prevents Roma from fully enjoying their rights. The following is a real story of how authorities in the former Yugoslav Republic of Macedonia addressed such a situation.

Sixteen-year-old "S" was pregnant with her third child. She is Roma and lives in an informal union in Skopje with her adolescent partner and their two children; born respectively when she was 14 and 15 years of age. The couple is unemployed and live on social assistance. From her earlier pregnancies, S knew that she needed a "Mother Card" to give birth at the hospital. To obtain a card, and because she was underage, she had to provide evidence of health insurance held by a parent or guardian. Her own mother was a single mother who

had recently moved to an EU country. As a result, S turned to the social care centre for help. The centre sent her to Kumanovo; the town where she had been born. The social workers tried to find her father, but gave up after learning that her biological father was unknown and her mother was unmarried. The centre informed S that she could obtain health insurance by simply presenting her own identification card (ID card). Yet S did not have an ID card; only birth and citizenship certificates. She was told she could get a special ID card for juveniles with the consent and presence of a parent or legal guardian. As she had neither, she was told she could choose someone to be her "special guardian for the ID card." Her partner's father accepted this role. S travelled with her partner and his father to Kumanovo and then to Vinica, the legal residence of her partner's father, where S finally obtained an

ID card, registered for health insurance and received the "Mother Card." This was done just prior to her giving birth. To get the Mother Card, S and her family had to travel on several occasions and spend more than a month and a half of their social assistance. These costs were ultimately covered by a non-governmental organization.

S had never received advice about registering her civil status, sexual and reproductive health or compulsory primary education. The Human Rights Adviser learned about S during an assessment consultation held with grassroots civil society organizations to inform UN programming related to Roma communities. Since then, the UN has used the assessment in advocacy efforts with relevant authorities to emphasize the need for a comprehensive and rights-based approach in addressing the concerns of the Roma.