

# Violence and insecurity



## *Protecting human rights in situations of violence and insecurity*

### Background

*“The UN’s failure to adequately respond to events like those that occurred in Sri Lanka should not happen again. When confronted by similar situations, the UN must be able to meet a much higher standard in fulfilling its protection and humanitarian responsibilities.” (Report of the UN Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka, New York, November 2012, page 35, para. 88).*

*“...With its multiplicity of mandates and areas of expertise, the UN possessed the capabilities to simultaneously strive for humanitarian access while also robustly condemning the perpetrators of killings of civilians. It should have been able to push further for respect for international norms in the delivery of assistance...” (op. cit, page 27, para. 75).*

Violence and insecurity are frequent occurrences in today’s world. Insecurity emerges when a government, faced with conflict and violence (be it political, social, economic, or generated by organized crime), cannot or will not ensure the protection of its citizens, organizations and institutions against threats to their well-being and the prosperity of their communities. Such threats may come from the State itself or from non-State actors. In several countries, organized crime, trafficking, civil unrest and terrorism have supplanted armed conflict as the main sources of violence and insecurity. Natural disasters are an additional source of insecurity – especially as they may not only generate, but often exacerbate pre-existing, violence and human rights concerns.

Like armed conflict, social and criminal violence exposes populations to widespread human rights violations, including extrajudicial killings, torture and ill-treatment, disappearances and arbitrary detention.



A close-up photo of weapons retrieved from rebels by the UN Mission in the Democratic Republic of the Congo in coordination with the UN Mine Action Service in Goma, North Kivu, October 2012.

It is crucial to ensure that strategies to promote citizen security take into account how factors, such as sex, disability, ethnic origin, national or social origin, property, birth, migratory status, family and marital status and sexual orientation, influence the experience of conflict and violence. Women and girls continue to be particularly affected as conflict and insecurity exacerbate pre-existing patterns of gender discrimination and put them at heightened risk of sexual, physical and psychological violence.

Striking a balance between the response to existing threats and the obligation to protect whole populations against violence and insecurity is not easy. At times, States have resorted to repressive responses which engender further violations and fail to address the root causes of insecurity. The international human rights law framework provides the basis on which action should be undertaken, including in situations of conflict, violence and insecurity. A rights-based approach is needed to give effect to the entitlement of each person to feel secure and protected in their daily lives. Therefore, OHCHR cooperates with States to ensure that they can fulfil their obligations to protect the rights of their populations and that measures to curb violence, insecurity and crime are designed and implemented with the protection of human rights at their core.

## OHCHR's role

In 2012, on the basis of its global human rights protection mandate and expertise in the complex thematic area of violence and insecurity, OHCHR prioritized work on: pressing human rights issues related to situations of international or internal armed conflict; humanitarian crises, including those in the aftermath of both man-made or natural disasters; situations where social, economic and criminal violence is prevalent; and societies struggling with terrorism. In 2012, OHCHR continued to advocate for and cooperate with Member States and civil society to formulate responses to situations of violence and insecurity that are firmly rooted in human rights principles and standards.

OHCHR collaborates with governments, UN entities and civil society to ensure that legislation and policies to combat violence and insecurity are firmly grounded on respect for human rights – as this is the path to prevent, reduce and combat rights violations, guarantee non-repetition and ensure the availability of remedies for the affected population.



Launch of the National Mechanism for the Protection of Human Rights Defenders and Journalists in Mexico, November 2012.

The core of OHCHR's strategy to protect human rights in situations of violence and insecurity includes supporting the compliance of Member States with their human rights obligations, raising public awareness and building capacity.

Through its regular monitoring, undertaken from headquarters and in the field, OHCHR identifies indicators of potential or emerging violence and insecurity and promotes timely interventions from OHCHR field presences and other parts of the UN human rights and humanitarian systems (see below under EA 10 and 11). In humanitarian crises, OHCHR attempts to ensure that all phases of response - planning, preparedness, response and recovery - address the human rights of affected populations, particularly those in situations of vulnerability. This may include victims of sexual and gender-based violence, internally displaced persons, women, children, refugees, migrants, the elderly, the urban and rural poor, persons with disabilities, persons living with HIV/AIDS, persons belonging to minorities and indigenous peoples. By promoting the international human rights framework, OHCHR clarifies and underscores that: relevant protection activities do not take place in a legal void; affected populations are rights-holders and not merely beneficiaries of charitable action; and national authorities have the primary responsibility as duty-bearers to respect, protect and fulfil the human rights of all persons under their jurisdiction. In a context where pre-existing human rights violations are exacerbated by situations of violence and insecurity, OHCHR's work in addressing their root causes ensures the efficacy and sustainability of all protection efforts.

Throughout 2012, OHCHR used a variety of tools and methodologies to assist Member States and other stakeholders to comply with their human rights obligations in relation to addressing violence and insecurity. The High Commissioner, for example, highlighted particular situations of violence affecting groups in vulnerable situations; stressed the need to adopt policies which are in line with human rights standards; and welcomed the establishment of mechanisms to protect human rights defenders and journalists. OHCHR continued the roll-out of its Human Rights Case Database in field presences (Guinea-Bissau, Haiti and Tunisia) in order to harmonize methods to monitor and document human rights violations. OHCHR also monitored, investigated and reported on cases, events and situations and informed decision-makers; fostered dialogue between governments and civil society; advocated for the incorporation of human rights in legislation, policies and practices, as well as protocols of intervention; supported institution-building, especially the creation and functioning of mechanisms to protect human rights defenders and journalists; and implemented technical cooperation projects. Given that situations of violence and insecurity, including those related to the activities of organized criminal actors, have serious consequences for the enjoyment of human rights, OHCHR also undertook advocacy efforts to challenge perceptions that respect for human rights constitutes a distraction or an obstacle to the achievement of political stability and sustainable peace, countering crime or securing humanitarian access and the delivery of assistance.

## National laws, policies and institutions (EA 1)

*State institutions (particularly the judiciary, the security sector and national human rights institutions) increasingly comply with international human rights standards in the area of the prevention of and effective response to individual human rights violations*

In 2012, OHCHR contributed to improving the level of responsiveness and accountability of State institutions vis-à-vis individual human rights violations in a number of countries. In Afghanistan, following persistent and targeted advocacy efforts undertaken by the United Nations Assistance Mission in Afghanistan (UNAMA), the Government established the Civilian Casualties Tracking Team in the Presidential Information Coordination Centre in May. This is expected to strengthen oversight and accountability of the security forces, including in relation to individual cases of human rights violations, and ensure better protection of

communities. In Iraq, human rights officers of the United Nations Assistance Mission for Iraq (UNAMI) carried out some 20 visits to places of detention and worked closely with the Ministry of Human Rights and the Ministry of Justice to address allegations of rights violations of detainees. In the State of Palestine, the Office cooperated with the relevant security agencies falling under the Palestinian Ministry of the Interior and provided technical assistance to ensure that codes of conduct are compliant with human rights standards.

In Guatemala, the Office continued to collaborate with the Congress' Working Group on Security and Justice, which discusses the main initiatives regarding these issues, and provided advice, including on several proposals for constitutional reform. The Office's recommendations resulted in the introduction of a number of changes to security policies, although some gaps remain in terms of their compliance with international standards. For example, some of the recommendations on initial drafts of the Covenant for Security, Justice and Peace, which outlines the Government's strategy for the reduction of violence and the generation of a culture of peace, were taken into account, for example, the use of the military in law enforcement functions. The Office also advocated for the review of legislation and protocols on the use of the military in functions that should belong exclusively to civilian security forces. As a result, Decree 40-2000 was reformulated and a protocol was developed on the intervention of the armed forces that, despite the absence of critical factors, such as a clear exclusion of the use of the armed forces in situations of social protest, includes some human rights aspects.

Progress was also achieved regarding contributions to the establishment of specific mechanisms or policies to protect human rights defenders and journalists. In Colombia, support provided by OHCHR to the National Working Group on Guarantees to Human Rights Defenders, a coordination mechanism that includes NGOs and key State institutions, resulted in an acknowledgement by the Ministries of Interior and Defence of the importance of the Early Warning System of the Ombudsman's Office and an asserted commitment to its strengthening. OHCHR's advocacy for a stronger risk-assessment and response-capacity led to prompter and more effective protection measures for human rights defenders at risk. In Guatemala, the Unit for the Analysis of Attacks against Human Rights Defenders, an important mechanism to analyse attack patterns against human rights defenders, was reactivated in August. In Mexico, the Law for the Protection of Journalists and Human Rights

Defenders, which entered into force in June 2012, created a National Protection Mechanism which will include activists and journalists as permanent members. OHCHR was invited to participate in meetings of the Mechanism without a vote. The Mexican Congress also approved a constitutional amendment that authorizes federal authorities to investigate crimes against journalists. This responds to a specific recommendation made by the UN and OAS Special Rapporteurs on freedom of expression following their joint visit in 2010.

In Kenya, the Protection-Working Group on Internal Displacement, which was established after the 2008 post-election violence and includes OHCHR as a member, worked to ensure the adoption into law of the 2012 Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Bill. The Bill provides for a rights-based response to internal displacement and imposes an obligation on all relevant stakeholders involved in providing protection and assistance to internally displaced persons (IDPs) to act in accordance with the Great Lakes Protocol and Guiding Principles on Internal Displacement.

#### Involving State institutions in humanitarian response in Asia

With support from the Office, National Disaster Management Offices and relevant ministries in Fiji, Solomon Islands and Vanuatu enhanced their knowledge of protection issues and have a stronger understanding of how to address such issues. OHCHR, as part of its humanitarian Protection Cluster work, provided relevant technical assistance and training tools to these institutions in cooperation with the Global Protection Cluster and UNHCR. In addition, a dedicated framework for protection work was created within Fiji's National Disaster Management Office.

*Citizen security policies and legislation, as well as State entities dealing with citizen security issues, increasingly comply with international human rights standards*

In Mexico, the Federal Congress adopted the General Law on Victims which aims to protect the rights of victims of crimes and human rights violations, and their direct relatives, and mandates the establishment of a National System for the Attention to Victims. The scope of the rights outlined in the Law includes access to truth, justice and reparation, as well as

guarantees of non-repetition. OHCHR provided technical assistance during the process, facilitated dialogue between Members of Congress and victims and actively advocated for its approval during the final stages of the debates.

In Timor-Leste, the Vulnerable Persons Unit of the National Police increased its capacity to investigate complaints as a result of technical advice provided by the Human Rights and Transitional Justice Section (HRTJS) of the United Nations Integrated Mission in Timor-Leste (UNMIT) and UNMIT police. In addition, the HRTJS monitored cases of corporal punishment and gender-based violence committed by the security forces and submitted written information to the Prosecutor's Office on the allegations. As a result, the Prosecutor's Office investigated numerous alleged violations by the security forces. Nevertheless, the number of pending cases at some Prosecutor's Offices remained high and resulted in significant delays in the delivery of justice.

In Ecuador, the cooperation framework between the Ministry of the Interior and the UN system on the activities regarding citizen security and use of force could not be implemented due to changes in the priorities of the Ministry of Interior. Technical assistance was provided to the Ministry of Defence's Directorate of Human Rights and Humanitarian Law for the elaboration of a human rights curriculum for soldiers and officers, which is expected to be completed by the end of 2013.

In Papua New Guinea, OHCHR partnered with the Consultative Implementation and Monitoring Council and led a workshop for law enforcement and judicial officials and other stakeholders to review the implementation of the recommendations made by the Special Rapporteur on torture relating to torture prevention and the improvement of detention conditions following his mission in 2010. During the workshop, specific agency plans to implement the recommendations were developed. In addition, the Royal Papua New Guinea Constabulary officially launched a revised edition of the Guide for Police Conduct and Behaviour, a handbook for police officers to remind them of their responsibilities and obligations in the context of widespread concern regarding police misconduct and abuse, in particular killings and torture.

*Improved impact of cases selected for individual advocacy in the revival or creation of justice and accountability mechanisms*

In Iraq, UNAMI advocated with the Council of Representatives' Human Rights Committee and the Legislative Committee to address gaps in human

rights protection and law reform. In October, the Government held a conference on the protection of civilians against violence which resulted in the adoption of recommendations related to improved coordination of financial, medical, social and other forms of support for victims of violence, programmes aimed at addressing the phenomenon of terrorism and enhanced guidelines for security forces involved in combating terrorism.

In Haiti, regular collaboration between the Office and the *Inspection générale* of the Haitian National Police regarding alleged violations of human rights by members of the police force increased this institution's awareness of how to effectively address human rights violations. Despite work undertaken by the police to investigate these allegations, the judicial system remains reluctant to conduct inquiries and prosecute alleged perpetrators. The monitoring and analysis of and reporting on the human rights situation in the context of deprivation of liberty led to targeted advocacy activities and the preparation of lists of cases that were provided to relevant authorities to ensure appropriate responses to cases of illegal detention. The development and consolidation of the work of the *comités de la détention provisoire prolongée* in 2012 resulted in the involvement of the authorities in the identification and response to identified cases of illegal detention.

## Access to justice and basic services (EA 4)

### *Increased number of successful prosecutions and percentage of victims of sexual violence that receive reparations in accordance with international standards*

In 2012, OHCHR worked towards improving access to justice for victims of sexual violence in a number of countries or regions, including Afghanistan, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo (DRC), El Salvador, Haiti, Kosovo, Mali, Nepal, Senegal, Sierra Leone, Sudan, as well as countries in the Great Lakes and West Africa regions.

As an example, in the DRC, the United Nations Joint Human Rights Office (UNJHRO) provided support to magistrates in *parquets* and mobile courts which contributed to making progress in fighting impunity on sexual violence. In some provinces, such as North Kivu, the provincial working group on the fight against impunity for sexual violence took steps to increase ownership of this issue by the Government, including by transitioning the hosting of meetings from the UN to the *Division Provinciale de*

### Providing justice and redress for victims of sexual violence in the DRC

In 2012, the UNJHRO took steps to implement a pilot project on access to justice, reparations and remedies for victims of sexual violence in South Kivu. The project aims at encouraging government action towards the provision of reparations to victims, including through medical, psychosocial and economic assistance. As a preliminary result, 80 girls have been assisted and placed in host families with facilitated access to food, educational and medical facilities. The project will continue in 2013.

*la Justice*. This represents an important step towards strengthening the engagement of the Government in the working group and in its interaction with external partners. In addition, 18 specialized units for women and children were established within police posts and specialized cells in the offices of civilian and military prosecutors in Kinshasa, Matadi, Bandundu, Mbuji-Mayi, Kananga and Katanga. This was a direct result of training organized for magistrates and judicial police officers by UNJHRO in coordination with the Ministry of Justice and Human Rights, UN Police and the European Union Police Mission (EUPOL).

In Sudan, police investigators increased their knowledge on how to deal with sexual violence cases through trainings carried out by the Human Rights Section (HRS) of the African Union/United Nations Hybrid Operation in Darfur (UNAMID). As a result of this training, a help desk was established as a mechanism of redress for women within the Family and Child Protection Unit in a remote area in Darfur.



A victim of sexual violence at a hospital in Goma, Democratic Republic of the Congo.



A woman takes part in a rally against femicide in Santo Domingo, Dominican Republic, July 2012.

In Côte d'Ivoire, the national strategy on the fight against sexual and gender-based violence was reviewed and the plan of action was adopted by the Government in July 2012 with the support of the United Nations Operation in Côte d'Ivoire (ONUCI). In Sierra Leone, the Sexual Offences Act was adopted in August 2012 and, following OHCHR's assistance, the Ministry of Social Welfare launched a related National Action Plan and a National Referral Protocol in October 2012.



### Sexual and gender-based violence – investigating femicide

In El Salvador, a protocol on femicide investigation, developed with the support of the OHCHR Regional Office for Central America, was adopted by the Prosecutor's Office. This followed the adoption in 2010 and coming into force in 2011 of a law to prevent violence against women, the *Ley Especial Integral para una Vida Libre de Violencia* (Special Comprehensive Law for a Life Free of Violence), which was developed with OHCHR's assistance. The Protocol is being used to train prosecutors and the Regional Office is monitoring its use by judicial operators.

The Salvador Protocol informed the drafting of a regional protocol on femicide investigation which was supported by OHCHR, UN Women, the Secretary-General's *Unite* Campaign, the Spanish Federation of Human Rights Organizations and the University Carlos III of Madrid, among others. OHCHR prepared a report documenting Latin American experiences with various procedures and practices related to the prosecution of cases of femicide. Based on this document, an expert workshop was organized with international experts to define the basic structure and content of the regional document. The Regional Protocol, to be validated in 2013, will assist in strengthening national capacities to investigate, prosecute, punish and redress femicide and could serve as a model for the development of similar protocols in other regions.

In El Salvador, a protocol for the investigation of femicide<sup>1</sup> was developed with the support of OHCHR and adopted by the Prosecutor's Office. Shortly thereafter, a femicide case was prosecuted in San Miguel with the participation of judicial officials who were trained by OHCHR. The Salvador Protocol also informed the drafting of a protocol on femicide investigations in the Central America region.

In Kosovo, OHCHR worked in collaboration with UN Women to provide technical and financial support to the Agency for Gender Equality in drafting the Kosovo Action Plan for the implementation of Security Council resolution 1325 (AP-1325). The Plan, which is expected to be formally endorsed in early 2013, addresses the status and rights of survivors of sexual violence related to the conflict, including through ensuring access to justice and reparation.

<sup>1</sup> Femicide refers to an extreme form of gender-based violence; the intentional killing of women for being women.

## Participation (EA 5)

*Increased participation of rights-holders, especially those groups most at risk, in elections, and the design and implementation of policies and legislation concerning violence and insecurity and their increased use of national protection systems*

In Afghanistan, activism undertaken by civil society organizations included demands for action to be taken to ensure accountability, end corruption and address other human rights violations. As part of the preparations for the Tokyo Conference on Afghanistan in July, UNAMA supported Afghan civil society initiatives to coordinate joint advocacy and release a statement prior to the conference. The statement urged the Government and the international community to support human rights as a basis for Afghanistan's sustainable development and develop a national strategy in support of human rights and the promotion and protection of women's rights.

In Togo, the media increased its engagement in human rights promotion prior to the legislative and local elections. OHCHR supported this result through awareness-raising workshops and the

establishment of a partnership with Togo's main radio and TV stations, print and online media to roll out an extensive education campaign on democratic principles and human rights, including in relation to the active participation of women in political processes. The workshops increased the number of individual journalists with an expressed interest in writing about human rights issues and resulted in wider dissemination of information on human rights issues in local languages, both within and outside of Lomé. Consistent monitoring of the human rights situation in Togo by OHCHR also helped rights-holders to exercise their rights and get better access to justice.

In Timor-Leste, women, children, community leaders and selected government officials increased their knowledge about the formal justice system and filed complaints about alleged violations of the rights of women, children and persons with disabilities. HRTJS assisted the victims and families with filing complaints and, in particular, raised three cases involving the right to health for vulnerable groups with the Ministry of Health and the Civil Service Commission. As a result, disciplinary mechanisms related to the conduct of health service professionals were activated for the first time.

### Reducing tension and building trust between indigenous communities and the authorities in Colombia

A crisis developed in Cauca department after indigenous communities denounced the intensification of the armed conflict and its negative impact on their rights and daily lives. Demanding that the State and guerrilla groups respect their territorial authority, some communities undertook mass direct action to remove armed actors from their territories. Barriers were removed from police and military installations, soldiers were physically carried to other locations and members of FARC-EP were arrested and tried under traditional justice mechanisms. Initially, the Government criticized these actions and a risk of violent suppression was evident.

OHCHR, the Special Rapporteur on the rights of indigenous peoples, the UN Resident Coordinator, the Principal of the Jesuit Order in

Colombia and others joined forces to contribute to establishing a climate of calm and dialogue. The Office closely monitored the situation and, among other interventions, published an op-ed explaining the position of indigenous communities, recalling the impact of the conflict on their human rights. After several weeks of discussions, the President travelled to Cauca to meet with indigenous authorities from the region, where he apologized for the human rights violations they had suffered during the conflict. He also established, under the leadership of the Minister of Interior, a high-level process with the indigenous authorities to transform the lives of some of those most impacted by the conflict.

Over several months, indigenous authorities met with Ministers, Vice-Ministers and officials

to discuss recognition of and respect for autonomy, property, territorial control and self-government, in addition to prior consultation, health, education and communication-related issues. These rights are recognized under international and domestic law and have been elaborated upon through Constitutional Court jurisprudence. Nevertheless, much needs to be done to ensure the practical realization of these rights. Nonetheless, the process, which has been accompanied and monitored by OHCHR, helped build the trust of groups that have long been marginalized. It also contributed to the understanding of government officials about needed changes and of indigenous authorities about the possibilities for collaboration that seemed unlikely before the mass actions.

## Responsiveness of the international community (EA 10)

*In the context of violence and insecurity, the international community, in particular the Security Council, General Assembly, Human Rights Council and donors, increasingly responds in a timely and effective manner to chronic and urgent human rights situations and issues*

One of the OHCHR's key objectives is to prompt informed, rapid and strategic responses by the international community to chronic human rights crises. To achieve this goal, OHCHR carries out targeted and timely interventions, including through the High Commissioners' briefings and reports to the General Assembly, Human Rights Council and Security Council.

On the issue of Syria, for example, OHCHR gathered first-hand information on international human rights and humanitarian law violations. This information provided the basis for the High Commissioner's public statements, including her briefings to the Security Council and the General Assembly. OHCHR also prepared two reports pursuant to Human Rights Council resolution S-18/1 on the situation of human rights in Syria, which were submitted at the Council's 20th and 21st sessions. Between May and August 2012, when the UN Mission in Syria (UNSMIS) was in operation, OHCHR deployed six officers to monitor the human rights situation. The team provided credible fact-finding analysis and reporting and engaged in advocacy and dialogue with the Government, anti-Government armed groups, minority groups and other relevant actors.

The Assistant Secretary-General for Human Rights briefed the Security Council on the human rights aspect of the crisis in Mali and, in response to a Human Rights Council resolution, the Office dispatched an information gathering team to Bamako and neighbouring countries in November. The findings were published in a report to the Council and fed into the Secretary-General's report to the Security Council. The High Commissioner also briefed the Human Rights Council on several other country situations, for instance on Eritrea.

Human rights concerns were integrated into various resolutions, decisions and statements on the Democratic Republic of the Congo, such as Security Council resolutions 2053 (2012) and 2076 (2012) which, inter alia, strongly condemned human rights violations committed by M23 rebels and called for accountability. This result was achieved due to



The Chairman of the Independent Commission of Inquiry on Syria briefs journalists on the margins of the Human Rights Council's 21st session in Geneva, Switzerland, September 2012.

constant public reporting efforts undertaken by the UNJHRO and its inputs to briefing notes, background notes, press releases and other documents aimed at informing discussions and decisions taken by OHCHR and the Department of Peacekeeping Operations (DPKO).

Treaty bodies were also concerned with the issue of prevailing violence and its effects on groups in vulnerable situations. In July 2012, the Committee on the Elimination of Discrimination against Women (CEDAW) adopted a statement on the need for a gender perspective in the text of the Arms Trade Treaty. The Committee recalled that the arms trade has specific gender dimensions and direct links to discrimination and gender-based violence against women with far-reaching implications for efforts to consolidate peace, security and gender equality and secure development. Throughout the year, CEDAW held a series of regional consultations on the drafting of a new general recommendation on the human rights of women in conflict and post-conflict situations. In November, the Committee against Torture adopted its General Comment No. 3 on the implementation of article 14 by States Parties, which clarifies the content and scope of their obligations with regard to redress for victims of torture.

During 2012, OHCHR contributed to the establishment of four commissions of inquiry and one fact-finding mission mandated by the Human Rights Council, namely the second Commission of Inquiry on Libya, the second and third Commissions of Inquiry on Syria and the Fact-Finding Mission to investigate the effects of the Israeli settlement activities on the rights of Palestinian people. A customized version of the OHCHR Human Rights Case Database played

a pivotal role in supporting the investigations conducted by the commissions of inquiry.

In Somalia, OHCHR was active in securing the international community's engagement in the area of freedom of expression and related rights. As a result, the Special Representative of the Secretary-General issued various statements urging the Federal Government to fully investigate attacks against journalists and ensure the prosecution of perpetrators. Similar statements were also issued by several Member States.

In South America, OHCHR and the Human Rights Public Policies Institute of the Southern Common Market (MERCOSUR) presented a joint report on policies for citizen security and the prevention of institutional violence at the MERCOSUR Meeting of Ministers of Justice and Security and also prepared a report on data production and management regarding citizen security information. It is anticipated that these reports will have an impact on the work of MERCOSUR in 2013. Together with the Secretariat of the Central American Integration System (SICA), the Office organized a panel on institution-building within SICA's XXXIX Meeting of Heads of States and Governments which had citizen security as its theme. Strong human rights elements were included in the Summit's final statement and the plan of action included a request to OHCHR to collaborate with SICA and develop joint initiatives aimed at strengthening the human rights dimension of SICA's security strategy.

## Human rights mainstreaming within the United Nations (EA 11)

*In the context of violence and insecurity, increased integration of human rights standards and principles into the UN system for humanitarian action, peacekeeping, peacebuilding and security policies and programmes*

OHCHR continued to work on the integration of human rights in UN special political and peacekeeping missions through implementation of the 2011 OHCHR/DPKO/Department of Political Affairs (DPA)/Department of Field Support (DFS) joint policy. This work focused on the 15 existing missions (Afghanistan, Burundi, Central African Republic, Côte d'Ivoire, DRC, Guinea-Bissau, Haiti, Iraq, Liberia, Libya, Sierra Leone, Somalia, South Sudan, Sudan-Darfur and Timor-Leste) and the planning for and initial deployment of staff to the emerging missions in Mali and Syria. Furthermore, as UN peacekeeping mandates increasingly place human rights at the centre of UN action, OHCHR was instrumental in supporting the development of a UN Policy on Human Rights Screening which seeks to ensure that the UN neither selects nor deploys for service in its Secretariat (headquarters and field) any individual who has been involved in violations of international human rights or humanitarian law.

Following briefings conducted by the Human Rights Section of the United Nations Support Mission in Libya (UNSMIL) relevant sections increased their

### Human Rights Due Diligence Policy

Issued by the UN Secretary-General in July 2011, the landmark Human Rights Due Diligence Policy started showing its impact on UN operations during 2012.

The Human Rights Due Diligence Policy sets out principles and measures to ensure that any support provided by UN entities to national or regional security forces is consistent with international humanitarian, human rights and refugee law. Consistent with these obligations, UN support cannot be provided where there is a real risk that those forces will commit grave violations of international humanitarian, human rights

or refugee law and where the authorities fail to take necessary corrective or mitigating measures.

Throughout 2012, OHCHR led relevant promotion and advocacy efforts with UN entities and in numerous countries where the Policy applies. In addition to its implementation in specific cases in Côte d'Ivoire, DRC and South Sudan, the Policy prompted important debates and reflections about the UN's approach and methodology when supporting security forces around the world. The next challenge is to ensure it becomes entrenched in the way the UN develops and delivers

institutional support to the security sector, especially outside mission settings.

Member States and other external partners in civil society are also quickly grasping the potential of the Policy for advocacy and strategic purposes.

Today, it is increasingly evident that the Human Rights Due Diligence Policy is a useful tool that can strengthen the overall action of the UN system in the field, including by influencing the behaviour of national and regional security forces and therefore, hopefully, reducing the cycle of violence.

knowledge on the Human Rights Due Diligence Policy and its implications on support to security forces. UNOCI began implementation of the Due Diligence Policy following advocacy efforts of its Human Rights Division. A Standing Operating Procedure detailing the implementation framework of the Policy was issued and the Human Rights Division provided advice to the Senior Management Group on requests for support from non-UN security forces.

To ensure the inclusion of human rights in peace- and security-related decisions in 2012, including resolutions and the development of new Security Council mandates, the Office worked closely with colleagues in DPA to provide contributions to the numerous reports on Syria presented to the Security Council. OHCHR was an active member of the Inter-Agency Task Force on Syria and its Core Group. OHCHR also ensured that human rights concerns and principles were adequately addressed and taken into account by the Security Council in its proposed actions on Mali and maintained a central role in the development of the UN's strategy on Mali. Security Council resolution 2085 of 19 December 2012 gave a strong mandate to the Secretary-General to monitor and report on violations of human rights and international humanitarian law in the context of the future military operations in Mali and aimed at mitigating any adverse impact of the military operations on the civilian population.

OHCHR also continued to engage with an internal UN working group on Myanmar. Close cooperation with relevant New York-based departments and entities, including the Secretary-General and his Special Adviser on Myanmar, helped to build system-wide support for establishing an OHCHR field presence in the country. OHCHR actively engaged in new mechanisms established to respond to developing situations, including by promoting human rights concerns and providing technical information to assist other participants. For example, OHCHR's advocacy to ensure that human rights was noted as part of the UN's integrated strategy on the Sahel resulted in human rights being specifically listed as one of the five pillars of the proposed strategy, alongside governance, humanitarian, development and security, as requested by the UN Security Council.

With regard to counter-terrorism, OHCHR Chaired the Counter-terrorism Implementation Task Force (CTITF) Working Group on Protecting Human Rights while Countering Terrorism and encouraged the prolific development of activities and output. The aim of the CTITF is to support Member States'

efforts to enhance their knowledge, understanding and implementation of international human rights framework and the rule of law in the fight against terrorism and implement measures included in Pillar IV of the United Nations Global Counter-Terrorism Strategy (GA resolution A/60/288). In October 2012, the CTITF Working Group launched a new project on human rights training and capacity-building for law enforcement officials involved in counter-terrorism-related activities aimed at assisting Member States in their efforts to ensure that law enforcement policies and activities are consistent with their obligations under international human rights. OHCHR also supported, in accordance with its mandate, the enhancement of working relations between the CTITF and the Special Rapporteur on counter-terrorism and human rights.

OHCHR contributed to ensuring the central role of human rights in the work of UN policies, operations and programmes on conflict-related sexual violence through the deployment of women protection advisers in South Sudan. OHCHR led the roll-out of the women protection advisers and implementation of the monitoring, analysis and reporting arrangements on conflict-related sexual violence in South Sudan. These arrangements will be used as a model in other priority missions for UN action. In addition, OHCHR cooperated with UN Women to ensure the inclusion of a human rights-based approach in the work of the Project Appraisal Committee of the UN Trust Fund to End Violence against Women, including through the systematic inclusion of recommendations of human rights mechanisms and strengthened cooperation with UN Women to develop a strategic framework that will ensure a more strategic and comprehensive output on women's rights programming and normative framing.

OHCHR contributed to the establishment of the UN Operations and Crisis Centre (UNOCC), an initiative of the Secretary-General to establish a single UN crisis management and response venue with the capacity to systematically collect, analyse and disseminate information and foster an improved understanding and anticipation of crises by senior UN leaders. Through its active engagement in the Centre's 24/7 Watch Room and in the production of UNOCC reports, including analytical assessment papers, OHCHR will be able to promote human rights considerations in the earliest stages of crisis management by the UN and in early warning of potential or emerging crisis situations. OHCHR has also continued to engage in the Inter-Agency Standing Committee (IASC) Sub-Working Group on Preparedness, participating in the review and reform



Secretary-General Ban Ki-moon inaugurates the United Nations Operations and Crisis Centre, February 2013.

of the process and methodology of producing the bi-annual IASC Early Warning – Early Action reports, as well as mainstreaming human rights in the early warning analysis and preparedness activities recommended in these reports.

OHCHR maintained a protection leadership role in a number of challenging contexts, including in relation to Haiti's transition to recovery during which the Human Rights Section continued its collaboration with the remaining Clusters to promote the integration of protection and human rights standards and principles into their programming and activities. OHCHR also leads the Protection Cluster in the State of Palestine and more recently in Mauritania. In the State of Palestine, OHCHR continued to promote joint advocacy within the Protection Cluster by coordinating the issuing of regularly updated factsheets on violations within the Access Restricted Areas in Gaza. Furthermore, during the escalation of hostilities in Gaza in November 2012, OHCHR acted as a focal point for the gathering of data on killings and injuries of civilians, striving to ensure the availability of common data within the Humanitarian Country Team. This data was used as official UN information by all agencies. In Timor-Leste, the HRTJS ensured the integration of women and children's concerns into Inter-agency and Government contingency planning before handing over leadership of the Protection Cluster to UNICEF in October 2012. As a member of field Protection Clusters and Humanitarian Country Teams, OHCHR promoted a human rights-based approach and ensured the integration of human

rights considerations in a number of other countries, such as Afghanistan, Chad, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Iraq, South Sudan, Sri Lanka and Uganda. OHCHR's Regional Offices in Central Asia, South-East Asia, Central America, Southern Africa, West Africa and the Pacific are also engaged in regional humanitarian mechanisms and/or Protection Clusters in countries under their purview.

Finally, at the global level, the Office maintained strategic engagement in key policy and decision-making humanitarian mechanisms and processes, especially under the auspices of the IASC, in particular its Working Group and Principals, and the Global Protection Cluster Working Group (GPCWG), with a view to mainstreaming human rights standards and approaches to ensure that human rights considerations are at the centre of humanitarian efforts. The Office also continued to provide the IASC with support in strengthening its expertise and capacities.

## Challenges and lessons learned

As the recent Secretary-General's Internal Review Panel (IRP) on United Nations Action in Sri Lanka clearly demonstrated, when UN action, including humanitarian action, fails to fully take into consideration human rights concerns, its response cannot adequately ensure the protection needs

of the affected people. A significant challenge for OHCHR will be to engage with the UN and the broader humanitarian community to ensure that human rights and humanitarian responses are seen as co-existing and mutually reinforcing and that the protection of human rights is placed at the centre of humanitarian action. In this regard, at the IASC Principals meeting in December 2012, the High Commissioner suggested the need for the IASC to discuss the implications of the findings and conclusions of the IRP report on the protection of human rights in humanitarian action. This suggestion was endorsed with a first discussion planned for the Principals meeting in May 2013. This discussion will provide the Office with an important opportunity to fulfil its leading role in ensuring that human rights are more effectively mainstreamed throughout the work of the UN.

As violence and insecurity continue to prevail in many democratic countries, which inhibits development and the capacity of individuals to lead dignified lives, a global shift is required to address these issues, particularly in relation to drug trafficking and transnational organized crime. To this end, building a global consensus among international actors, including through the development of a comprehensive approach, is critical. OHCHR should be at the forefront, along with other leading UN agencies, in promoting these efforts.

During 2012, OHCHR faced rapidly changing challenges, both in terms of their nature and magnitude, and sometimes on a daily basis. The Office provided secretariat support to the Commission of Inquiry on Syria; deployed assessment teams to neighbouring countries and responded to unfolding human rights emergency situations in South Sudan. Thanks to an improved emergency preparedness and response strategy, OHCHR is now better equipped to rapidly respond when such changes take place. Nevertheless, there is a need for increased planning and enhanced rapid deployment capabilities in order to fully engage and respond to human rights crises, such as those in Syria and Mali, when mandated by the Human Rights Council or Security Council. In 2012, OHCHR reached the maximum of its staffing capacity to respond to requests for rapid and surge deployment. In light of the situations in Libya, Mali, Palestine, Sudan and Syria, the numbers of requests for rapid operational human rights deployments have increased to a point where they cannot be effectively addressed without negatively impacting on OHCHR'S core programme delivery. As a result, a stand-by deployment capacity is warranted.



OHCHR staff monitoring the human rights situation in Gaza after the escalation of hostilities between the State of Israel, the de facto authorities in Gaza and Palestinian armed groups, November 2012.

OHCHR has carried out lessons learned exercises in relation to its Protection Cluster leadership role, most notably in Haiti following the earthquake in January 2010. These exercises resulted in important recommendations that reinforced and reiterated its overarching message and identified gaps and needs in OHCHR'S humanitarian engagement strategy. OHCHR is, moreover, looking closely at the findings and recommendations of the IRP with a view to addressing the gaps and adjusting its roles and capacities, in close collaboration with relevant UN and other partners. While further progress in implementing the Office'S strategy on engagement in humanitarian action continues to strengthen its capacity to respond adequately and effectively to future crises, OHCHR needs to more effectively utilize and engage with the various UN Funds (i.e., Peacebuilding and Central Emergency Response Funds) and humanitarian planning and appeals processes (i.e., Consolidated Appeals Process and Flash Appeals). This will help ensure the integration of human rights information and approaches in a manner that can inform humanitarian analyses, identification of needs, prioritization and response strategies.

## Staff deployment

Throughout 2012, OHCHR used its contingency fund to deploy staff to countries or regions to respond to deteriorating human rights situations, including in the following situations:

- Two staff members were deployed for two weeks to South Sudan to carry out investigations into alleged human rights abuses committed in the course of the inter-communal violence in August and December 2012 in Jonglei State. The outcome report informed the United Nations Mission in South Sudan's (UNMISS) strategy on protection of civilians and contributed to the human rights report prepared by UNMISS and OHCHR.
- During the operation of the UN mission in Syria, OHCHR deployed six human rights officers to monitor the human

rights situation in the country. The team provided credible fact-finding analysis and reporting and engaged in advocacy and dialogue with the Government and anti-Government armed groups on human rights violations.

- Two human rights officers were deployed for one month to Lebanon and Jordan to interview Syrian refugees on human rights violations committed in Syria and prepare the High Commissioner's report to the Human Rights Council.
- One staff member was deployed to Mali in August for two months to report on the human rights situation, assist the United Nations Country Team and strengthen civil society actors, primarily in monitoring and fact-finding. The presence of

the human rights officer was extended until the end of January 2013. Another human rights officer was deployed to Bamako in November to assist DPKO in their military planning exercise with the aim of ensuring that any military response to the Mali crisis would take human rights into account.

- At the request of the Human Rights Council, an information gathering team was dispatched in November to Mali and neighbouring countries (Niger, Mauritania and Burkina Faso) to assess the human rights situation.
- Two human rights officers were deployed to the Maldives to look into the future strategy on UN engagement in human rights, the rule of law and judicial reform in the country.