

Human rights mechanisms



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

Background

OHCHR serves as the secretariat for the United Nations' human rights mechanisms which include the Human Rights Council, the Universal Periodic Review (UPR), special procedures and the treaty bodies.

The past five years have seen significant reforms of the international bodies and mechanisms that comprise the UN human rights system. These changes have resulted in the overall strengthening of the legal framework for the protection of human rights and the improved coherence and consistency of the system. The proliferation of mechanisms and the increased frequency of Council and treaty body sessions have, however, also added to the workload of OHCHR. Additional responsibilities delegated to the Office have not been matched by an equivalent increase in resources, generating acute management challenges for the Office.

OHCHR's role

OHCHR's mandate includes support for the UN human rights bodies and mechanisms. The Office fulfils this mandate by providing substantive support to the Human Rights Council, its subsidiary mechanisms including the UPR, treaty body sessions and the special procedures mandate-holders, including by accompanying them on mission and providing technical input into relevant documents and reports. The Office is also committed to creating stronger linkages between its work at headquarters and in the field and the work



UN Secretary-General Ban Ki-moon delivers a speech during the 21st session of the Human Rights Council, in Geneva, Switzerland, September 2012.

of the human rights mechanisms. Similarly, steps continue to be taken to engage with governments, national human rights institutions (NHRIs), regional organizations and civil society to raise awareness about the mechanisms and ensure follow-up to the recommendations they issue.

Ratification (EA 2)

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

Advocacy for the ratification of human rights treaties and withdrawal of reservations is an office-wide effort. In 2012, a total of 70 new ratifications and accessions were recorded (as opposed to 54 in 2011). This number includes the ratification of treaties, optional protocols and acceptance of articles relating to individual communication procedures. Public statements made by the High Commissioner and the publication of articles promoting recommendations by the mechanisms, as well as bilateral meetings held with governments, resulted, inter alia, in Bolivia's ratification and Burkina Faso's signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

OHCHR advocacy efforts encouraged Mauritania to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) as well as the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the Convention on the Rights of Persons with Disabilities (CRPD). Furthermore, the Government removed its general reservation to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and replaced it with a specific reservation on article 15(2) and article 16. Colombia deposited the instrument of ratification for the ICPPED in July, becoming the 34th State Party to this treaty. Advocacy and technical support from OHCHR paved the way for Cambodia's ratification of the CRPD in December.

A number of coordinated advocacy activities undertaken by OHCHR, the UN Information Centre and several national partners mobilized critical



The former Deputy High Commissioner speaks at a 30th anniversary event for the Committee on the Elimination of Discrimination against Women (CEDAW), held during the 53rd CEDAW plenary session in Geneva, Switzerland, October 2012.

support in Russia for the ratification of CRPD which was signed into federal law in May.

OHCHR support for greater engagement between the treaty bodies and other UN human rights mechanisms provided new opportunities for special procedures to promote the ratification of international instruments during their field visits, as well as during their ongoing dialogue with international and regional organizations. The Special Rapporteur on the sale of children, child prostitution and child pornography contributed to the two-year global campaign launched by the Secretary-General for the universal ratification of the first two Optional Protocols to the Convention on the Rights of the Child (CRC) by 2012. The campaign also included the involvement of the Special Representatives on violence against children and for children and armed conflict, the Committee on the Rights of the Child, OHCHR and UNICEF. During the campaign, 24 States ratified the Optional Protocol on the sale of children, child prostitution and child pornography (OP-SC), which had 162 States Parties as of the end of 2012.

The Special Rapporteur on violence against women encouraged the signature and ratification of the Council of Europe Convention on domestic violence (Istanbul Convention), through her participation at meetings in Brussels with the European Parliament as well as during her visits to Italy (January 2012), Bosnia and Herzegovina (November 2012) and Croatia (November 2012). Italy signed the Council of Europe Convention on domestic violence in September 2012.

State engagement with human rights mechanisms (EA 6)

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

OHCHR continued to promote the engagement of Member States with the mechanisms and for the implementation of recommendations at the national level.

Human Rights Council

The Human Rights Council extended the mandate of the Commission of Inquiry on Syria and held its fourth consecutive special session in relation to the situation in the Syrian Arab Republic, adopting a resolution on “the deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh” at its 19th Special Session on 1 June 2012. It also established a Fact-Finding mission to investigate the implications of Israeli settlements on the human rights of the Palestinian people. It adopted resolutions on country situations, such as Mali, and requested OHCHR to provide or strengthen technical assistance to countries, such as the Democratic Republic of the Congo (DRC), Côte d’Ivoire, Guinea, Libya, Somalia, South Sudan, Sri Lanka, Sudan and Yemen and to submit a report. Three new special procedures mandates were established, including an Independent Expert on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment and two new country mandates to

address the situation in Belarus and in Eritrea. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees on non-recurrence and the Independent Expert on the promotion of a democratic and equitable international order, both established in September 2011, were appointed at the 19th session of the Council. Furthermore, the Council established two new intergovernmental working groups, on the right to peace and on the rights of peasants and other rural workers, which were mandated to elaborate instruments.

The Office provided substantive support to the Human Rights Council, its Advisory Committee and other subsidiary mechanisms. In addition to the 10 weeks of meetings comprising the three regular sessions of the Council, OHCHR supported the special session on the deteriorating human rights situation in the Syrian Arab Republic (1 June 2012); two weeks of meetings of the Human Rights Council Advisory Committee and four weeks of meetings of the Complaints Procedure. Seventeen panel discussions were held on topics such as the reprisals against individuals and groups who cooperate with the United Nations and its mechanisms; freedom of expression on the internet and human rights; sexual orientation and gender identity to human rights mainstreaming and development cooperation; women human rights defenders; human rights through sport and the Olympic ideal; minority rights; HIV/AIDS and human rights; participation in political and public life by persons with disabilities; children and the administration of justice; combatting xenophobia, discrimination and intolerance; and access to justice by indigenous peoples.

Universal Periodic Review

During 2012, the Human Rights Council completed the first cycle of the UPR at its 19th session in March, with 100 per cent participation and reporting by all 192 Member States. The second cycle of UPR began in 2012 and to date, all but one Member State have submitted information and participated in the sessions of the Working Group.

Drawing on the resources of the Voluntary Fund for Participation in the Universal Periodic Review Mechanism, OHCHR convened interregional, regional and national workshops to advise States on the preparation of their national reports and stakeholders on their input to the review. OHCHR also provided assistance in follow-up to UPR recommendations through the Universal Periodic Review Voluntary Fund for Financial and Technical



The Human Rights Council holds an interactive debate on the rights of persons with disabilities, March 2012.

Support to the UPR and country-level results

The Universal Periodic Review (UPR) is a mechanism to foster national and international dialogue and cooperation to develop and strengthen national systems to promote and protect human rights. OHCHR pursued efforts to promote and support the implementation of the recommendations issued by the human rights mechanisms. In 2012, the Office indexed the more than 20,000 recommendations emanating from the first cycle of the UPR into the Universal Human Rights Index, a public tool which will integrate the human rights recommendations from all human rights mechanisms (treaty bodies, special procedures and UPR) and will be fully operational by mid-2013.

As a priority, the Office sought to strengthen strategic partnerships with stakeholders to provide more effective support to UPR follow-up at the country level. In cooperation with the rest of the UN system, in particular UNDP, as well as regional human rights mechanisms, including the Council of Europe, the Inter-American Commission on Human Rights and the Organization

for Security and Co-operation in Europe, OHCHR explored ways of exchanging information, experiences and good practices, promoting and supporting the implementation of the UPR processes and outcomes at regional and country levels and joint activities to support UPR follow-up.

Through the management of the UPR Trust Fund for Financial and Technical Assistance, the Office supported UPR follow-up activities in six additional countries, bringing to 20 the number of countries benefiting from this Fund. The following activities were implemented by or through OHCHR field presences and/or in close cooperation with UNCTs, national authorities, national human rights institutions, civil society actors, as well as other UN agencies and regional human rights institutions or mechanisms, to encourage, foster and strengthen UPR follow-up at all levels.

In Ecuador, the Human Rights Adviser (HRA) supported the Ministry of Justice to develop and implement a system of human rights indicators to help national authorities

assess, analyse and follow-up on the implementation of the country's human rights obligations. A pilot phase of this project led to the development of indicators on the rights to work and integrity.

In November, at the request of the Government of Barbados and the Resident Coordinator's Office, OHCHR posted a national HRA in the UNCT to support the Government in implementing its UPR recommendations, including through the identification of priorities, development of a national human rights plan of action and establishment of a national permanent mechanism to report to the UN human rights mechanisms.

In April and May, with the support of UN Women, the Office supported the convening by the Ministry of Human Rights in Pakistan of four regional consultations between the Government and civil society actors to assess progress achieved in the implementation of UPR recommendations emanating from the first cycle, subsequent human rights developments and to prepare

Assistance. For more details, please see the box above.

OHCHR organized or co-organized, with Regional Offices of the UNDP, the Commonwealth Secretariat and the *Organisation internationale de la Francophonie* (OIF), regional, subregional or interregional meetings involving Member States, NHRIs and civil society actors to share information, experiences and good practices and promote continued engagement in the UPR process throughout the second cycle.

Special Procedures

With the support of OHCHR, special procedures undertook 80 country visits to 55 States; acted on individual cases and concerns of a broader, structural nature by sending 605 communications

to 127 States in which alleged violations were brought to their attention; submitted 129 reports to the Human Rights Council and 32 reports to the General Assembly. They convened expert consultations, developed international human rights standards, engaged in advocacy, raised public awareness with a total of 334 news releases and public statements and provided advice and support for technical cooperation.

The Deputy High Commissioner's advocacy efforts during her visit to Chad in April 2012 resulted in the Government issuing a standing invitation to special procedures mandate-holders. Similarly, following OHCHR advocacy, Pakistan received the first visit of two special procedures mandate-holders during 2012 after more than 10 years. During missions, the special procedures assessed the general human rights situation in the country from the perspective of their

the national report for the second cycle.

In Jamaica, at the request of the Resident Coordinator's Office and in consultation with the Government, the Office conducted a mission in November to assess technical assistance needs to support the implementation of UPR recommendations on reporting to human rights mechanisms (especially the Optional Protocols to the Convention on the Rights of the Child); the establishment of an inter-institutional mechanism to follow up on recommendations from all UN human rights mechanisms; and the creation of an independent national human rights institution compliant with the Paris Principles.

In December, at the request of Bahrain, the Office conducted an assessment of technical cooperation needs to implement UPR and other human rights recommendations, including in the areas of legal and judicial reform, institution building and national participation.

In cooperation with the Government of Paraguay, the Office approved a project, to be implemented in 2013 by its HRA in the Resident Coordinator's Office, to develop a mechanism to strengthen the national capacities of the Ministry of Foreign Affairs and the Government's Human Rights Network responsible for implementing the country's UPR and other human rights obligations and to follow-up and monitor progress.

In Fiji, the Marshall Islands, Tonga and Vanuatu, the OHCHR Regional Office for the Pacific provided technical support, including through the placement of HRAs in relevant ministries, to support the efforts of these countries to implement their UPR and other human rights obligations and commitments, including with regard to the prevention of violence against women, the prevention of torture and the establishment of national human rights institutions.

In April, through its Regional Office for Central Asia, the Office jointly organized with UNDP in

Kyrgyzstan, a regional seminar aimed at sharing experiences and strengthening national and regional cooperation in the implementation of recommendations from human rights mechanisms, including the UPR. The seminar involved representatives from the governments, national human rights institutions and civil society from Azerbaijan, Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan, and followed similar initiatives undertaken by the Office for the countries of the Caucasus region in 2011.

In Cairo, in November, the Office cooperated with UNDP in the convening of a governance week for the Arab region, which included a two-day component on the Universal Periodic Review. Representatives from the governments, civil society, national human rights institutions and the media from 17 countries of the region reviewed their engagement and progress achieved in the implementation of UPR recommendations and explored avenues for strengthening collaborations at the national level.

respective mandates and took into consideration the specific institutional, legal, judicial, policy and administrative frameworks and de facto conditions. They met with national and local authorities, civil society organizations (CSOs), victims of human rights violations, the United Nations and other intergovernmental agencies as well as the media during a press conference at the end of the mission. Following their visits, mandate-holders submitted reports to the Human Rights Council containing their findings and recommendations.

Subsequent to the visit of the Special Rapporteur on the sale of children, child prostitution and child pornography in November, the Government of Honduras decided to review all legislation relating to child protection in order to harmonize it with international standards and improve child protection. Following a visit by the same mandate-holder, the Government of Guatemala committed to carry out

a global assessment of all existing child protection laws, policies, strategies and programmes.

Interventions by special procedures with governments through direct communications on specific allegations of human rights violations led to significant results. Relevant authorities took action in relation to individuals or groups of individuals or with respect to domestic legislation, policies, programmes or other measures affecting individuals or groups.

Ms. Sakineh Mohammadi-Ashtiani, sentenced to death for alleged adultery and participation in the murder of her husband, was the subject of several urgent appeals in 2010. In July 2012, the Government of Iran informed the Special Rapporteurs on Iran, on extrajudicial, summary or arbitrary executions, on torture, and on violence against women that the execution of



The Special Rapporteur on trafficking in persons speaks during a press briefing in Makati's financial district, south of Manila, Philippines, November 2012.

Ms. Ashtiani was halted. Mr. Yousef Nadarkhani, a pastor imprisoned in Iran since October 2009 and sentenced to death for apostasy in October 2010, was released on 8 September 2012 after a court hearing which led to the withdrawal of his conviction. Mr. Nadarkhani was the subject of two joint urgent appeals on 30 December 2010 and 26 July 2011.

In response to a joint communication sent in January by three mandate-holders (the right to freedom of opinion and expression, on the situation of human rights defenders and on the rights to peaceful assembly and association) to Chile on the draft law on Strengthening the Preservation of Public Order (*Proyecto de Ley que Fortalece el Resguardo del Orden Público*), the Government of Chile provided details about positive changes in the draft legislation. The concerns expressed by the mandate-holders, pertaining to alleged restrictions to the rights to freedom of expression and peaceful assembly, were taken into account by the Government.

Following an urgent appeal sent to the Government of Mauritania on 3 January 2012 in which the Special Rapporteur on the independence of judges and lawyers expressed concern regarding the disciplinary procedure initiated against five magistrates and requested the Government to reinstate them in their position, two of the five magistrates who were the subject of an appeal were reportedly reinstated in their functions and two others who had been downgraded were promoted.

On 30 August 2012, the Working Group on Arbitrary Detention adopted Opinion No. 33/2012 (Mexico) concerning Mr. Hugo Sánchez Ramírez

who had been arrested and detained since 21 July 2007. The Working Group considered the detention of Mr. Ramírez as arbitrary and called on the Government of Mexico to release him and provide him with appropriate damages. In October 2012, the Supreme Court ordered the release of Mr. Ramírez. The Working Group received information that its Opinion had been used in the submissions made to the Supreme Court on behalf of Mr. Ramírez.

The Special Rapporteurs on racism, freedom of peaceful assembly and association, health, human rights defenders, independence of judges and lawyers and torture along with the Working Group on Arbitrary Detention sent a joint urgent appeal to Sudan on 8 June 2012 that resulted in the decision from the Attorney General's Prosecution Office to release a human rights defender who was a member of an organization that provided humanitarian assistance to the ethnic group to which he belonged.

An urgent appeal was sent on 5 June 2012 to the Government of the United States of America regarding the case of Mr. Abdul Hamin Awkal, a Lebanese national alleged to be mentally ill, and reportedly scheduled for imminent execution on 6 June 2012 in Ohio. Media reports indicate that Mr. Awkal was not executed on 6 June, after the Governor of Ohio granted a last-minute reprieve on the evening of 5 June 2012. The reprieve was granted for two weeks to examine the Mr. Awkal's state of mental health. In the late summer of 2012, the Governor of Ohio commuted his death sentence.

A number of news releases and public statements issued by the special procedures, including statements issued jointly with other special procedures and/or mandate-holders from other mechanisms, contributed to effectively addressing the concerns and permitted subsequent action to be taken at the national level.

On 12 October 2012, the Special Rapporteurs on the rights of indigenous peoples; the situation of human rights defenders; extrajudicial, summary or arbitrary executions; and the rights to freedom of peaceful assembly and association, sent a letter to the Government of Guatemala and issued a press release urging it to clarify the violent events that occurred on 4 October 2012 in the Cumbre de Alaska, municipality of Santa Catarina Ixtahuacán, Sololá. During these events, six indigenous peoples were killed and 33 indigenous peoples and 13 members of the military were injured. In part as

a result of this intervention, the Prosecutor's Office is investigating the acts which have led to the arrest of several members of the Guatemalan military.

In a public statement on the International Day of the World's Indigenous Peoples, the President of Colombia referred positively to the press release issued by the Special Rapporteur on the rights of indigenous peoples regarding the situation in Cauca, Colombia. The President agreed that the situation was serious and accepted the call for dialogue made by the Special Rapporteur.

The Special Rapporteur on the right to adequate housing and the Special Rapporteur on extreme poverty welcomed the decision of the Constitutional Court of Hungary that struck down new legislation that both experts had indicated in an urgent appeal (followed by a February 2012 public statement), would criminalize homelessness.

In the United States of America, members of both chambers in the California State Assembly and Senate repeatedly referred to the country mission report of the Special Rapporteur on the right to water and sanitation (who had visited the country in 2011) when debating the adoption of Bill 685. The legislation was subsequently adopted and established the right of everyone in the State of California to safe, clean, affordable and accessible water, adequate for human needs.

The State of Nuevo Leon, Mexico, revised its Penal Code and adopted a legislative reform stipulating that disappearance was a specific offense and a continuous crime in line with one of the recommendations made by the Working Group on enforced and involuntary disappearances following its official visit to Mexico in March 2011.

Treaty bodies

OHCHR continued to support the work of the 10 human rights treaty bodies, which met for a combined total of 74 weeks. The treaty bodies with a State Party reporting procedure received a total of 107 State Party reports, including 17 common core documents (CCDs). The treaty bodies adopted concluding observations on approximately 130 State Parties. In addition, the Committee against Torture (CAT), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD) and the Human Rights Committee examined and adopted final decisions

on 140 communications and issued around 50 requests for interim measures of protection for alleged victims at risk of irreparable harm.

Support from OHCHR included the provision of technical advice, trainings and workshops on the Common Core Document, treaty specific guidelines and treaty body reporting, individual communications and follow-up to recommendations from human rights mechanisms in: Angola, Burkina Faso, Burundi, Chad, Ecuador, the former Yugoslav Republic of Macedonia, Georgia (regional workshop), Kyrgyzstan (regional workshop), Morocco (regional workshop), Seychelles, Swaziland, Tunisia and Vietnam. Participants included government officials, representatives of NHRIs, civil society organizations and colleagues from United Nations Country Teams (UNCTs).

As a result, reporting by States Parties increased, particularly evident in the submission of initial and overdue reports. Burkina Faso submitted its initial reports to CAT and the Committee on Migrant Workers (CMW) and its 12th report to CERD; Cameroon submitted overdue reports to CEDAW and CERD; Congo reported to CESC and CAT; Equatorial Guinea presented its overdue report under CEDAW; Kyrgyzstan submitted four overdue reports to CERD, CAT, CESC and the Human Rights Committee; Sierra Leone its initial report to the Human Rights Committee; Tunisia to CESC; and Uganda its initial reports to CESC and CRPD. Burkina Faso and Niger submitted their first CCD and DRC and Serbia submitted their revised CCDs. Further to OHCHR's technical advice, national action plans for the implementation of the recommendations from UPR and treaty bodies were adopted in Burkina Faso, Cape Verde, Mali and Senegal. In Russia, in taking steps to implement the CRC and relevant recommendations from the CRC, a national strategy for action in the interest of children for 2012-2017 was adopted. In Kazakhstan, an action plan for implementation of the concluding observations of CESC was adopted and the Agency for Construction and Utilities developed a plan to implement recommendations of the Special Rapporteur on adequate housing.

OHCHR conducted or facilitated several other initiatives to ensure follow-up to the recommendations from the UN human rights mechanisms, including the establishment of websites, search portals to inform about relevant international human rights and enable State institutions and civil society organizations to find and use recommendations emanating from UN human rights mechanisms (namely in Afghanistan,

Colombia, Ecuador, Guatemala, Kyrgyzstan, Mexico and Paraguay). These initiatives not only increased transparency in the processes but also ensured a greater sense of understanding and ownership by all parties involved.

OHCHR also assisted States in establishing efficient national mechanisms aimed at reporting and/or follow-up to recommendations issued by the treaty bodies and UPR (namely in Burundi, Chad, Costa Rica, the former Yugoslav Republic of Macedonia, Niger, Panama and Tunisia).

Civil society engagement with human rights mechanisms (EA 7)

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

Engagement of civil society and other stakeholders with the UN human rights mechanisms is well established. OHCHR continued to develop public information tools to help strengthen the interaction of stakeholders with the special procedures, treaty bodies and UPR. These tools aim at raising awareness of the recommendations issued from the mechanisms and assisting governments, civil society organizations, national human rights institutions and United Nations partners with their implementation.

Through its minority and indigenous fellowship programme, OHCHR continued to strengthen the capacity of these groups to invoke human rights standards. Twenty-three indigenous representatives and nine minority rights defenders deepened their understanding of the United Nations human rights system, instruments and mechanisms.

The second Fellowship Programme for People of African Descent took place from 23 April to 11 May 2012 in Geneva, with the participation of five fellows. Access to information and exchanges with UN human rights staff and experts, as well as training and participation in key human rights mechanisms and bodies, enabled them to gain skills to better support their communities. As the 2012 session coincided with the 11th session of the UN Working Group of Experts on People of African Descent, fellows attended and observed the Working Group's session and gained a sound understanding of its mandate and work.

At the 21st session of the Human Rights Council, NGOs intervened by video message during the adoption of UPR outcomes which enhanced the participation of national civil society actors and improved accessibility for persons with disabilities. The Practical Guide for Civil Society was made available on the website and during sessions of the UPR Working Group to clarify processes and procedures.

Civil society participation in the Human Rights Council remained strong in 2012 with an increase in the organization of side events. The Council's regular sessions (excluding special sessions and UPR) were attended by 572 organizations with 401 written statements submitted, 1,195 oral statements delivered and 280 side events held; compared with 543 organizations attending with 236 written statements submitted, 1,000 oral statements delivered and 260 side events held in 2011.

Each year, treaty bodies receive over 1,000 written submissions from civil society, NHRIs and UN entities while special procedures receive over 10,000 written submissions.

OHCHR-Mexico published a compilation of the mission report and general comments adopted by the Working Group on enforced or involuntary disappearances as well as international and inter-American instruments on the issue. The publication *Informe de Misión a México – Grupo de Trabajo de la ONU sobre las Desapariciones Forzadas o Involuntarias* was launched on 14 March 2012 at a public event in Mexico City. A panel of Government officials, Parliamentarians, CSOs and a member of the Working Group discussed the findings of the report. The event received wide media coverage and was followed by several media requests.

Over 400 people participated in the Forum on Minority Issues on 27 and 28 November 2012. The Forum discussed the issue of *Implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Identifying positive practices and opportunities*. Participants included Member States, representatives of minority groups from all regions and non-governmental organizations. A "Minority Forum Hangout" was also organized online through Google+.

The first annual Forum on Business and Human Rights (4-5 December 2012 in Geneva) brought together approximately 1,000 participants from 85 countries, including 50 State delegations, 150 companies and

180 civil society organizations, as well as other groups, with equal participation of women and men. Participants included directly affected stakeholders and their representatives, including many representatives of indigenous peoples. From the business sector, a number of major multinational corporations participated from the industries of mining, oil and energy, technology, chemicals, banking and finance, electronics and textiles. In addition, participants included 15 representatives from UN specialized agencies, 17 representatives from intergovernmental organizations and 19 representatives from NHRIs, as well as other key organizations taking a leading role on standards related to business and human rights.

In South Caucasus, Baku and Tbilisi, OHCHR organized workshops for NGOs and human rights defenders on the submission of communications to UN human rights protection mechanisms and translated the model questionnaires and complaints to the special procedures and treaty bodies into the Georgian language. As a result, five Georgian NGOs submitted 10 communications to special procedures during 2012.

Similarly, training activities by OHCHR presences in Latin America for indigenous peoples, Afro-descendants and CSOs in Belize, Costa Rica, Ecuador, Guatemala, Nicaragua and Panama resulted in increased participation of these groups in UN fora and with UN mechanisms, including through the submission of reports. In Belize, the indigenous peoples' organizations and Afro-descendant coalition presented a shadow report to CERD. In Panama, the CONAMUIP (*Coordinadora Nacional Mujeres Indigenas de Panama*) attended and presented a report to the 11th session of the Permanent Forum on Indigenous issues in New York. In Ecuador, a number of CSOs interacted for the first time with UN mechanisms such as UPR, CERD and CESCR.

A similar trend was seen in Africa where OHCHR field presences helped increase interaction between civil society actors and UN human rights mechanisms and bodies. In Guinea, a coalition of NGOs working for child rights submitted a timely report to the CRC.



Two members of the Working Group on Enforced or Involuntary Disappearances visit the Museum of Memory and Human Rights in Santiago de Chile, Chile.

International and regional law and institutions (EA 8)

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

The adoption of the Association of Southeast Asian Nations (ASEAN) Human Rights Declaration followed several interventions by the High Commissioner, meetings with ASEAN human rights mechanisms and technical comments made by OHCHR. The Declaration contains important human rights commitments as well as caveats that fall short of international human rights standards. Similarly, OHCHR continued to coordinate relevant human rights activities with the League of Arab States (LAS) and the Organisation of Islamic Cooperation (UN-OIC). Regular meetings on UN-LAS and UN-OIC cooperation continue to take place within a framework of engagement on technical assistance with these institutions. Notably, a framework of cooperation aimed at the review of the Arab system to bring it in conformity with international standards is under development between OHCHR and LAS to be implemented in January 2013.

The first high-level meeting between judges of the European Court of Human Rights and members of the Human Rights Committee took place in Strasbourg on 29 June 2012 as part of ongoing efforts to strengthen cooperation between the treaty bodies and the European Court and their respective secretariats. Participants enhanced their knowledge about respective practices in relation to interim measures of protection, prohibition of discrimination as an independent right, recent case law on freedom of religion, disappearances and investigative obligations.

The annual meeting of Chairpersons of treaty bodies was organized outside Geneva for the second time with the 24th meeting held in Addis Ababa, Ethiopia in June 2012 (the 22nd meeting was held in Brussels, Belgium in 2010). These meetings strengthened synergies between international and regional human rights mechanisms, such as the African Commission on Human and Peoples' Rights (ACHPR), the Committee of Experts on the Rights and Welfare of the Child, the African Peer Review Mechanism, the African Court on Human and Peoples' Rights, the East African Court of Justice and the Economic Community of West African States (ECOWAS) Court of Justice, as well as United Nations agencies, NHRIs and CSOs from Africa. The Chairpersons adopted joint recommendations

on strengthening cooperation between each treaty body and the African human rights mechanisms and stakeholders.

Regional consultations on special procedures mechanisms between OHCHR and ACHPR in Addis Ababa held in January 2012 resulted in the adoption of a road map for future cooperation. In this context, an agreement was reached to create a Working Group.

OHCHR supports the progressive development of international human rights law, notably through studies, consultations and supporting human rights mechanisms. Throughout 2012, these mechanisms provided detailed and expert clarity that enhanced the understanding of treaty provisions.

OHCHR organized a seminar in Rabat, Morocco, for representatives of the UN human rights mechanisms, civil society and national institutions in October. The participants adopted the *Rabat Plan of Action* which contains recommendations to better guide all stakeholders in implementing the international prohibition of incitement to national, racial or religious hatred. This event was the culmination of a two-year initiative and series of expert workshops in various regions of the world.

The elaboration and/or adoption of the following general comments by treaty bodies enhanced the understanding of treaty provisions:

- ▶ CEDAW held four regional consultations, with the support of OHCHR and UN Women, to elaborate a general recommendation on women in conflict and post-conflict situations.
- ▶ The Working Group on enforced disappearances adopted two general comments on women affected by enforced disappearances and children and enforced disappearances during its 98th session in November 2012.
- ▶ CAT adopted its General Comment No. 3 on the implementation of article 14 by States Parties on 19 November 2012.
- ▶ The CMW drafted its General Comment No. 2 on the rights of migrant workers in an irregular situation and members of their families. The draft was published through the CWM's website to invite relevant stakeholders to submit their comments and observations by January 2013.
- ▶ CERD held a day of general discussion focusing on the theme of *Racist Hate Speech* on 28 August 2012. The discussion aimed at enhancing the understanding of the causes and consequences of racist hate speech and will assist the Committee on possibly preparing a general recommendation.



© OHCHR

The Special Rapporteur on extreme poverty during a visit to the Otjivero community, Namibia, October 2012.

- ▶ The CRC held a day of general discussion on the theme of *the rights of all children in the context of international migration* on 28 September 2012.
- ▶ The Human Rights Committee held a day of general discussion on 25 October 2012 in preparation for a new general comment on article 9 of the International Covenant on Civil and Political Rights on the right to liberty and security of persons.

The Special Rapporteur on the right to food presented Guiding Principles on human rights impact assessments of trade and investment agreements to the Human Rights Council in March 2012, the Independent Expert on foreign debt presented Guidelines on foreign debt and human rights to the Council in June 2012 (endorsed by resolution 20/10) and the Special Rapporteur on extreme poverty presented draft Guiding Principles on extreme poverty and human rights to the Council in September 2012 (adopted by resolution 21/11).

Following the adoption of Human Rights Council resolution 20/16 in July 2012, the Working Group on arbitrary detention initiated preparations of the draft basic principles and guidelines on remedies and procedures related to the right of anyone deprived of her/his liberty by arrest or detention to bring proceedings before court, in order to ensure that the court may decide without delay on the lawfulness of her/his detention and order her/his release if the detention is not lawful. The report consisting of the draft basic principles and guidelines will be presented to the Council in 2015 after consultations with States and civil society organizations have been undertaken.

In his first thematic report presented to the Human Rights Council in June 2012 (A/HRC/20/27), the Special Rapporteur on the rights to freedom of peaceful assembly and of association identified, at the request of the Council, good practices that promote and protect these rights. Such practices/standards contribute to raising the level of protection afforded by international norms and standards.

The Kampala Convention

The Special Rapporteur on the human rights of internally displaced persons has been actively engaged in both the promotion and development of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) since the process initiated in 2004. In this context, over the past year the mandate has engaged with regional bodies such as AU and the African Parliamentary Union and with parliamentarians from various AU Member States, corresponded with 20 States urging them to sign and deposit the instrument of ratification and has actively encouraged African states to become States parties

during country visits and has participated in the Friends of Kampala group which seeks to coordinate actions to promote and facilitate the implementation of the Kampala Convention. His efforts help lead to the adoption of this historic convention, the first ever binding regional instrument on internal displacement, which came into force on 6 December 2012, providing specific human rights protection to the over 10 million internally displaced persons in Africa (2011).

The Kampala Convention contains human rights standards to address challenges related to current and future internal displacement caused by conflict, natural disasters and

other effects of climate change, development, and mega trends such as population growth and rapid urbanisation. It further sets out the obligations of the State parties, the African Union, international organizations and members of armed groups to prevent displacement, protect and assist people once displacement has occurred, and to find lasting solutions to displacement. The Special Rapporteur, in coordination with other key stakeholders, will now focus on promoting ratification by other AU Member States and building capacities to implement this landmark Convention, including through the development of national laws and policies.

The Special Rapporteur on trafficking convened a two-day Expert Group Meeting in Human Trafficking and Global Supply Chains from 12 to 13 November 2012 in Ankara, Turkey. The expert consultations contributed to the elaboration of a draft set of benchmarks and indicators for businesses to complement existing voluntary initiatives and the UN Guiding Principles on Business and Human Rights.

Coherence among human rights mechanisms (EA 9)

Enhanced coherence and consistency in the system of human rights mechanisms

In 2012, OHCHR took a number of steps to enhance coherence and consistency in the human rights mechanism system and establish closer partnerships and coordination between the mechanisms. This resulted in numerous joint initiatives and increased attention paid to the human rights dimensions of issues discussed in United Nations bodies and agencies.

On 23 February 2012, the General Assembly adopted resolution 66/254 which requested the President of the General Assembly to launch an open-ended intergovernmental process to

conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system and appoint two co-facilitators to assist in this process. It decided that the open-ended intergovernmental process should take into consideration the relevant proposals on strengthening and enhancing the effective functioning of the human rights treaty body system, including those contained in the reports of the Secretary-General and the High Commissioner.

OHCHR works to ensure that the recommendations of human rights mechanisms form an integral part of OHCHR's planning and programming and are accessible in a comprehensive way to external partners. To this end, the launch of the upgraded Universal Human Rights Index in March enhanced the access, including for persons with disabilities, to individual recommendations and full documents from the treaty bodies, the special procedures and the UPR. The upgraded version of the Index allows for the possibility to align recommendations coming from the three pillars of the UN human rights system and to cluster them by thematic issues and groups of persons affected.

In October 2012, the Special Rapporteur on the right to food and the Special Rapporteur on extreme poverty released a joint proposal to

establish a Global Fund for Social Protection. This proposal attracted considerable interest from a range of partners, including the ILO. Notably, the proposal was presented to the 39th session of the Committee on World Food Security in Rome in October 2012, leading the Committee to endorse specific recommendations which highlighted “the role of international cooperation in reinforcing national actions to implement sustainable social protection programmes and systems” and stressed that “social protection programmes for food security and nutrition should be guided by human rights norms and standards.”

Challenges and lessons learned

Support to the expanding work of the Human Rights Council and its features, including the special procedures and the UPR mechanisms, and to the expanding work of the treaty monitoring bodies, offered opportunities for OHCHR and its field presences to better articulate and coordinate its approach to countries in relation to the ratification of international instruments, monitoring and implementation of human rights standards. It also resulted in an increased number of

The treaty bodies strengthening process

In June, the High Commissioner for Human Rights published her report on *Strengthening the Human Rights Treaty Body System (A/66/860)*. It presented a vision for an efficient, effective and timely treaty body system, building on the strengths of the system while also addressing its challenges, in particular insufficient resources.

The report is the result of a two-and-a-half-year consultative process which was launched by the High Commissioner in November 2009, based on the mandate given to her by General Assembly resolution 48/141. The consultative process ensured the active participation of a wide range of stakeholders, including Member States, treaty body members, United Nations agencies, NHRIs and CSOs through some 20 consultations conducted between November 2009 and April 2012, as well as approximately 60 written submissions provided by the same stakeholders.

One of the key proposals is to develop a comprehensive reporting calendar that would operate on the basis of universal compliance with the reporting obligations of States Parties. Other recommendations include a simplified reporting process; strengthened procedures for communications, inquiries and



The High Commissioner for Human Rights speaks at the treaty body strengthening consultations for States party to international human rights treaties held in New York, April 2012.

visits; strengthened independence and expertise of treaty body members; strengthened capacity for implementation; and enhanced visibility and accessibility of the treaty bodies.

Throughout the process, a number of achievements were reached, such as reduced time for State Party reviews from three to two meetings, thereby contributing to the reduction of backlogs; and Chairpersons spearheading the adoption of more cost effective and harmonized working methods. Following a recommendation in the High Commissioner's report, the Chairpersons endorsed the *Addis Ababa Guidelines on the independence and impartiality of members of treaty bodies* during their annual meeting in June. To date, these have

been adopted by CEDAW, CRC, CRPD, the Committee on Enforced Disappearances and the Subcommittee on Prevention of Torture.

The General Assembly established an open-ended intergovernmental process on treaty body strengthening in February 2012 (GA 66/254) which it extended to its 67th session (66/295). In July 2012, the co-facilitators of the process organized informal meetings structured around four main themes: the master calendar; working methods (including the independence of treaty bodies); the reporting process and the capacity to implement. The financial aspect was a cross-cutting issue discussed under the four segments.



The first annual United Nations Forum on Business and Human Rights, held in Geneva, Switzerland, December 2012.

ratifications of international instruments and permitted the development of legal human rights standards and for the mobilization of partnerships to ensure compliance with international law.

At the same time, the growing workload coupled with significant budget constraints, particularly in the form of unfunded new mandates from the Human Rights Council, have placed significant strains on OHCHR to effectively support the work of the human right mechanisms.

Unfortunately, the calls made during the review of the Human Rights Council for a more rationalized programme of work have not materialized. In spite of the determination of OHCHR to address multiple human rights issues and challenges and the commendable commitment of the Council to address protracted and emerging crises, it has become increasingly difficult to support the increasing number of new mandates which include the preparation of reports, holding of panel discussions and assisting intergovernmental working groups, apart from support to new special procedures and fact-finding missions and commissions of inquiry.

The human rights treaty body system has doubled in size at all levels in less than 10 years, including

in relation to the ratification of international human rights treaties, the establishment of new treaty bodies, a doubling of the number of complaints procedures (petitions), the increased reporting and submission of individual complaints and a doubling of the number of treaty body experts and annual sessions (equivalent to a total of 74 weeks per year). The resourcing of the work of treaty bodies has not followed this trend. Today, the system is in crisis and backlogs of State Party reports and individual complaints is paralyzing many treaty bodies with an average of three to four years before a State report or an individual complaint can be considered. The system has only avoided collapse because of an excessively high rate of non-compliance with timely reporting (84 per cent) on the part of States Parties.

The responsibility for the implementation of the proposals made in the High Commissioner's report on treaty body strengthening remains with the different stakeholders within their respective spheres of competence. The adoption of a key proposal of the High Commissioner's report, namely the Comprehensive Reporting Calendar, would bring an end to the unequal treatment of States Parties resulting from different levels of reporting compliance with treaty obligations. This would be the most sustainable way to solve the current

crisis while remaining true to the treaties. The regularity and predictability of such a calendar would further allow States Parties to allocate their domestic reporting resources with greater efficiency. On 23 February 2012, based on General Assembly resolution 66/254, an open-ended intergovernmental process on the strengthening of the human rights treaty body system was launched under the auspices of the President of the General Assembly who appointed two co-facilitators.

Global budget reductions will impact and limit OHCHR's ability to provide overall support to the UN human rights mechanisms, including the special procedures system. The ability of the treaty bodies to examine reports could also decrease due to cuts in staffing and meeting time. The capacity of OHCHR field presences to support and work with national actors through the human rights mechanisms could also decrease, resulting in fewer reports to the human rights treaty bodies.