



Thematic Priorities



Indigenous people attend a march to submit indigenous demands and proposals to the United Nations and Brazilian Government as part of the UN Conference on Sustainable Development Rio+20, in Rio de Janeiro, Brazil, 21 June 2012.

Discrimination



Countering discrimination, in particular racial discrimination, discrimination on the grounds of sex, religion and against others who are marginalized

Background

The elimination of all forms of discrimination has been one of the objectives of the United Nations since its creation. While ratification of key international instruments is steadily increasing, effective implementation at the national level remains a major challenge. In far too many countries and communities, people continue to be excluded, marginalized or restricted in terms of exercising their human rights.

There has, nevertheless, been incremental progress made in combating racism, discrimination, xenophobia and related intolerance, largely through the enactment or amendment of constitutional protection frameworks and domestic legislation. These steps are crucial for the protection of rights and providing avenues for remedy and redress. Yet tangible progress can only be achieved through the implementation and enforcement of these laws, which must be supplemented by the appropriate political will and addressing the structural causes of discrimination. In some cases, it is the laws themselves - or the institutions and the practices - which are discriminatory.

OHCHR's role

OHCHR leads the work of the United Nations in preventing and combating discrimination and promoting equality and universal respect for human rights and fundamental freedoms. The Office advocates for, promotes and supports reforms, including through the provision of technical advice and assistance to States seeking to implement their



Women leaders of Krinding camp for internally displaced persons in El Geneina, West Darfur, June 2012.

international obligations and the recommendations issued by human rights bodies and mechanisms. OHCHR also supports the efforts of national human rights institutions (NHRIs), specialized equality bodies, civil society, individuals and groups facing discrimination.

The Office provides the international human rights mechanisms with substantive and technical secretariat support. It works for the empowerment of groups and individuals facing discrimination by facilitating their participation in relevant activities, carries out projects to strengthen their capacity to claim their rights and supports grassroots and community-based efforts to combat discrimination.

OHCHR is also mainstreaming the principles of equality and non-discrimination throughout the work of the UN system at the global, regional and national levels.

National laws, policies and institutions (EA 1)

Increased number of national anti-discrimination and equality laws, administrative measures, policies and programmes, including national action plans, as well as practices in compliance with international norms and standards

Racial discrimination

OHCHR works with governments on the formulation, adoption or revision of draft legislation and policies, as well as on institution-building and institutional reform. OHCHR also provides human rights expertise and advice, supports civil society organizations in their advocacy efforts, assists United Nations Country Teams (UNCTs) in providing comments on draft laws and engages with a number of international human rights mechanisms to advocate for the adoption of laws which are in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Following five years of OHCHR's engagement with the Government and civil society actors, the Republic of Moldova adopted a comprehensive anti-discrimination law in May. As a result of OHCHR engagement, the Government committed to implementing a comprehensive ban on discrimination.

In Ukraine, following recommendations issued by the treaty bodies, OHCHR cooperated with partners from international organizations, civil society and the Ombudsman Institution to generate momentum for

the adoption of a comprehensive anti-discrimination law, which was passed by Parliament on 6 September 2012.

In Kosovo¹, OHCHR continued to support the adoption of amendments to the Anti-Discrimination Law, including in relation to the establishment of an efficient monitoring mechanism, which could improve implementation of this law.

In Ecuador, OHCHR contributed to progress made in the process to negotiate agreements between the Ministry of Justice, Human Rights and Cults and the Ministry of Coordination of Heritage and each State institution for the implementation of the training modules on collective rights.

OHCHR continued to provide advice on and support to Member States in the formulation of national policies and programmes, including national action plans to eradicate racism, discrimination and promote equality. Support aimed at developing national action plans was provided to Benin, Bolivia, Burkina Faso, Costa Rica, Mauritania, Niger and Nigeria.

In Bolivia, the National Committee against Racism and All Forms of Discrimination adopted its Action Plan in February 2012. Burkina Faso finalized its draft National Action Plan which envisages awareness-raising and human rights education campaigns, protection against acts of racial discrimination through the strengthening of the judiciary and the improvement of access to justice by victims. In Mauritania, the programme for the National Plan of Action and Good Practices against Racial Discrimination, Xenophobia and Intolerance was launched on 26 November 2012. A National Management Committee was established to oversee the development of the Plan in 2013.

Indigenous peoples

In several countries in South America, OHCHR supported the process of adoption of new legislation related to the rights of indigenous peoples.

On 8 August 2012, the Government of Chile presented a draft decree on the regulation of consultation processes with indigenous peoples and called on the indigenous communities of the country to present their observations and comments before the end of the year. With support from OHCHR, the Special Rapporteur on indigenous peoples

¹ Reference to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.



OHCHR staff monitoring a consultation on the rights of indigenous people in the Isiboro Secure National Park and Indigenous Territory (TIPNIS) in Bolivia.

prepared a public report presenting his comments on the draft regulation. The report was shared with the Government and approximately 250 indigenous leaders. Discussions between Governmental authorities and indigenous representatives are proceeding on a more equal footing.

Cameroon is in the process of enacting a law on the promotion and protection of indigenous peoples. Government representatives and other stakeholders were sensitized on the rights of indigenous peoples through two OHCHR seminars and one ILO expert meeting on the ratification of the ILO Conventions related to indigenous peoples.

In May, OHCHR issued guidelines on indigenous peoples in voluntary isolation and initial contact in the Amazon Basin and El Chaco. This followed from a series of consultations held in the region to support the formulation of national policies that are rooted in a principle of protection. Further to high-level launching events in Colombia, Ecuador, Paraguay and Peru, several initiatives are now being implemented, with support from OHCHR field presences and in cooperation with relevant authorities, to promote this new tool and its practical implementation. These activities have already influenced decision-making processes at the national level and helped to ensure that legislation, policies and programmes related to indigenous peoples living in voluntary isolation are in line with international human rights standards, i.e., the Bolivian draft Law on Indigenous Peoples in Voluntary Isolation and Initial Contact.

In Ecuador, OHCHR published a *Training of Trainers' Guide on the Collective Rights of the Peoples and Nationalities of Ecuador*, tailored to

the judiciary, the Ombudsman's Office, the national police and the armed forces.

In Guatemala, staff from the Ministry of Energy and Mining (MEM) enhanced their knowledge through two OHCHR trainings on international human rights standards and the rights of indigenous peoples, particularly regarding the obligation of States to consult with indigenous peoples. Following these capacity strengthening activities and meetings with the Vice-Ministry of Sustainable Development, the MEM is working with other Ministries to initiate a dialogue process with indigenous communities that would be affected by a hydroelectric project and a mining operation.

On 30 June, the Plurinational Constitutional Court (PCC) of Bolivia issued a milestone decision regarding the right of indigenous peoples to consultation, specifically the indigenous communities living in the Isiboro Secure National Park and Indigenous Territory (TIPNIS). OHCHR played a key role in assisting the PCC to develop its doctrinal knowledge on the subject through training activities and a seminar with experts from other countries, such as Colombia, Mexico and Spain. During these events, 130 participants, which included judges and judicial officials from the PCC, enhanced their knowledge on the right of indigenous peoples to consultation.



A participant at an OHCHR workshop for indigenous women in Panama.



Protestors from the ASEAN grassroots People's Assembly tape their mouths to call for human rights and democracy after a march to Parliament in Phnom Penh Cambodia, November 2012. Cambodia hosted the 21st Association of South East Asian Nations (ASEAN) summit from 15-20 November 2012.

Discrimination against women in law and practice

OHCHR promoted the adoption of laws to ensure equality of treatment, opportunity and access of women and men as part of its efforts to increase the participation of women in decision-making and the removal of discriminatory laws. The Office provided technical advice on legislation and policy formulation and carried out advocacy activities, in cooperation with other actors, targeting governments and other partners.

In November, the United Nations Assistance Mission in Afghanistan (UNAMA) released a report entitled *Still a long way to go: implementation of the Law on the Elimination of Violence against Women in Afghanistan (EVAW)*. The report analysed implementation of the EVAW Law from October 2011 to September 2012 and noted an increase in the reporting of incidents of violence against women to entities such as the Afghanistan Independent Human Rights Commission and provincial departments of women's affairs. This increase in reporting is an encouraging sign that the efforts of civil society organizations, the Government and international actors have increased public awareness about and sensitization to the issue of violence against women, its harmful and criminal consequences and women's rights in general. Application of the EVAW Law, however, continued to be hampered by dramatic under-reporting and a failure to investigate most of the reported incidents of violence against women.

UNAMA/OHCHR, in conjunction with its counterparts, facilitated consultations on the issue of women's

shelters. The much-needed protection of victims of violence against women in these safe houses was threatened due to a growing perception by some elements that the shelters are promoting immoral activities and should be closed down or managed by the Government. As a result of these consultations and concerted advocacy efforts, the Bill on the Regulation of Women Protection Centres (May 2011) was revised to incorporate the recommendations of women's groups, the shelter operators and activists.

In Kosovo, OHCHR and the Gender-Based Violence UN Kosovo Team (UNKT) Task Force provided substantial comments on draft amendments to the Gender Equality Law. The comments were analysed by the Legal Office/Office of the Prime Minister which announced that a consultation with UNKT will be organized in 2013 to discuss the proposed amendments and that recommendations would be incorporated in the draft.

The Plurinational Legislative Assembly of Bolivia adopted two important laws related to women's rights: Law 243 on Harassment and Political Violence against Women and Comprehensive Law 263 against Trafficking of Persons, both of which are in line with the Constitution and international human rights conventions. In addition, OHCHR provided technical assistance to the Alliance for the Legislative Agenda for Women regarding the drafting and revision of the above-noted laws and the implementation of recommendations made by the Committee on the Elimination of Discrimination against Women (CEDAW) in its concluding observations (N° 27 and 31) to the Bolivian State.

OHCHR provided logistical support and substantive advice to the 11th International Conference of National Human Rights Institutions and its Drafting Committee, held in Jordan in November. The Conference focused on *The human rights of women and girls: Promoting gender equality*. Participants adopted the Amman Declaration and Programme of Action, along with regional action plans, and a firm commitment was made by NHRIs to increase their efforts to promote and protect the human rights of women.

OHCHR contributed to awareness-raising activities on the implementation of Security Council resolution 1325 in Senegal. The Office provided technical assistance on the elaboration of the national policy on gender and HIV and sensitized women parliamentarians on State institutions, the rule of law and the importance of mainstreaming gender in parliamentary debates relating to the formulation of the national budget. This was done in close partnership with the Ministry of Justice and the Association of Women Lawyers.

In other countries, specifically Burkina Faso and the Gambia, national action plans were developed for the implementation of Security Council resolutions 1325 and 1820. In both cases, OHCHR provided technical and financial support to the key lead ministries by giving feedback on the draft action plans and by participating in the validation workshops.

OHCHR released a publication on *Women and the Right to Adequate Housing* which provides analysis, conceptual and technical guidance with respect to the enjoyment of this right by women and its gender specific dimensions. By providing positive examples and drawing on the extensive work of the human rights mechanisms, the publication serves as an effective tool for human rights advocates, policymakers and other stakeholders to improve the enjoyment of this right by women.

Sexual orientation

OHCHR called on governments to ensure that specific draft legislation related to sexual orientation was in compliance with human rights standards. In particular, communications were sent to Cameroon, Nigeria and Uganda, requesting that they review draft legislation affecting the rights of homosexuals.

OHCHR finalized a publication to provide Member States and other stakeholders with a tool to assist in the establishment or strengthening of national mechanisms for the promotion, protection and monitoring of steps taken to combat racism, racial

discrimination, xenophobia and related intolerance. The publication will be released in early 2013.

Persons with disabilities

The growing number of ratifications of the Convention on the Rights of Persons with Disabilities (CRPD) led to an increase in requests for training courses to build the capacity of national stakeholders, such as representatives of governments, civil society, including organizations of persons with disabilities, national human rights institutions and others.

Raising awareness of the importance of aligning national anti-discrimination legislation with the CRPD remained one of the key areas of OHCHR's work on disability rights in 2012. OHCHR provided assistance and support to States Parties in reviewing national legislation and policies on discrimination against persons with disabilities to ensure their compliance with the CRPD.

Over 20 OHCHR human rights field presences now actively promote the rights of persons with disabilities, including by focusing on law and policy reform. A seminar organized by the Office in Lusaka, Zambia, in October 2012, for representatives of governments, civil society and national human rights institutions from 11 countries in the subregion led to the adoption of the *Southern African Declaration of 2012 on the Implementation of the Convention on the Rights of Persons with Disabilities*.

In November, the South Darfur legislature passed the State Act for Disabled Persons following the ratification of the International Convention for the Disabled in 2008 as well as the enactment of the local Disabled Act in 2009.



Workshop on political participation of persons with disabilities facilitated by the Human Rights Section of UNIPSIL and OHCHR, October 2012.

OHCHR continued to assist States Parties to implement their obligations under the CRPD, including those concerning the establishment of a national independent monitoring mechanism to promote, protect and monitor implementation of the Convention (art. 33 (2)). For example, the human rights presence in the former Yugoslav Republic of Macedonia supported the establishment, in November, of a National Coordination Body for the Implementation of the CRPD.

Sierra Leone made progress on implementing the 2011 Persons with Disability Act by establishing a National Commission for Persons with Disabilities (NCPD) in August 2012. The Human Rights Section (HRS) of the United Nations Integrated Peacebuilding Mission in Sierra Leone (UNIPSIL) played a pivotal role in the establishment of the NCPD, including through the establishment of the Technical Committee on Disabilities, the drafting of a roadmap which was endorsed by the Minister of Social Welfare, Gender and Children Affairs (MSWGCA), and technical support provided to the MSWGCA and other relevant actors.

The rights of persons with disabilities in Moldova

The Cebotari family is of Romani ethnicity and includes a mother of retirement age and four adult children. All members of the family have grade one disability. They live together in a substandard, one-room house in the northern town of Drochia, which serves as a living space, kitchen and bathroom. Since 2007, the Cebotari family had repeatedly requested social assistance from the public authorities. Although some emergency assistance was allocated on a one-off basis, their requests were consistently refused. The family remained extremely marginalised, in housing which threatened their health.

In June 2012, the Human Rights Adviser received a complaint from the Cebotari family stating that the authorities were ignoring the needs of people with disabilities of Roma ethnicity. Following a documentation visit conducted to the Cebotari's house, he raised concerns related to their case in various relevant forums. As a result, in November 2012, the Ministry of Construction and the Regional Council of Drochia initiated, in June, the building of a new house for the Cebotari family, scheduled for completion in the first half of 2013.

In related events, work by the Human Rights Adviser and UN Women resulted in the installation of water infrastructure in the very excluded Romani slum of Schinoasa, outside the town of Tibirica, Calarasi County.

Through an OHCHR advocacy project in the Russian Federation, the Regional Organization of Persons with Disabilities, Perspektiva, and its partners increased the awareness of over 400 stakeholders, including government officials, educational workers, legislators, disability NGO activists and experts, journalists, students, people with disabilities and members of their families, regarding the CRPD (particularly article 24), and amendments that are required in national legislation and policies. As a result of the public discourse held in relation to the draft Federal Law On Education in the Russian Federation the draft refers to the "inclusive and integrated education of people with disabilities," and stresses that the State must create the necessary conditions for high-quality education without discrimination for persons with disabilities.

In Iraq, the Human Rights Section of the United Nations Assistance Mission for Iraq, together with the Council of Representatives and the Iraqi Alliance of Disability Organizations, held a conference on the implementation of the CRPD which resulted in the presentation of over 50 recommendations to the Government and Council of Representatives to ensure implementation of the rights of persons with disabilities.

OHCHR published a new training package on the CRPD and its Optional Protocol which seeks to provide basic information on a human rights-based approach to disability, discrimination on the basis of disability, the fundamental elements of the Convention and its Optional Protocol and the processes and issues underlying their ratification, implementation and monitoring. Organizations of persons with disabilities and other civil society actors have reportedly used the materials in various training courses, briefings and seminars.

Persons living with HIV/AIDS, stigma and marginalization

The Parliament of Moldova adopted amendments to the 2005 Law on HIV/AIDS which considerably strengthened guarantees concerning non-discrimination of individuals with HIV/AIDS, privacy related to medical treatment, confidentiality of information and data protection. OHCHR provided comments on the content of the draft Law and worked with the Special Rapporteur on the right to health, who communicated with the Government during the initial drafting process.



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Community meeting with the mayor of Otaci, Republic of Moldova, to address the issue of the segregation of Roma students in a school of the town, November 2012.

Increased number of specialized equality bodies, focal points and independent national human rights institutions, working on equality and non-discrimination, in accordance with international standards

In Kenya, the three Article 59 Commissions, together with the other 11 Constitutional Commissions, came together for the first time to create a common platform for the complementary implementation of their respective mandates to protect the rights and sovereignty of the people, as envisaged under Chapter 15 of the 2010 Constitution. OHCHR supported these efforts by convening the first Constitutional Commissions Retreat that mapped out and addressed areas of overlap for the realization of rights enshrined in the Constitution, particularly in the area of discrimination.

The Government of Afghanistan made some gains in the implementation and enforcement of the 2009 Law on the Elimination of Violence against Women (EVAW) and demonstrated its commitment to support the protection of women's rights. Family Response Units were created in the Afghan National Police and Gender Units were established in various Government ministries and departments. UNAMA/OHCHR assisted provincial governors and departments of women's affairs in establishing provincial commissions on the elimination of violence against women (CoEVAW) and conducted awareness-raising programs for law enforcement officials in many provinces.

OHCHR developed guidance for NHRIs on how to advance the principles of the Declaration on the Rights of Indigenous Peoples. A draft handbook on

this topic was circulated to NHRIs in all regions and "road-tested" in practice, including through training for NHRI officials in Namibia.

Access to justice and basic services (EA 4)

Increased number of measures taken to contribute to the fulfilment of economic, social and cultural rights by individuals and groups facing discrimination

With the support of OHCHR, the Colombian Ministry of Education developed a programme that contributed to the transformation of learning environments by promoting the competencies of children and youngsters to be active rights-holders within their families, schools and communities. The National Human Rights Education Plan (Planedh) project had a direct impact in 25 municipalities of five departments that were chosen as pilot environments. The project integrated teacher training policies and human rights education programmes into municipal and departmental development plans. The capacities of 250 teachers from 125 educational institutions were strengthened.

On 5 and 6 March 2012, in Lima, Peru, the Special Rapporteur on the rights of indigenous peoples met with indigenous representatives and representatives of the Congress of Peru on the principle of free, prior and informed consent in the context of extractive industries. His intervention provided guidance on the principle of consultation and consent with indigenous peoples and addressed concerns regarding a draft regulation on consultation with indigenous peoples, which was subsequently adopted by the Government.

On 22 June 2012, the Government of the Republic of Moldova decided to amend the 2007 Law on prophylaxis of HIV/AIDS infection, strengthened prohibitions on HIV-related discrimination in the workplace and removed mandatory HIV testing for non-nationals and couples before marriage in line with the recommendation of the Special Rapporteur on the right to health. On 4 December, the Government acted on issues raised by the Special Rapporteur, followed up on by the OHCHR field office and the UNCT, to improve privacy, confidentiality and data protection for persons living with HIV/AIDS, including by ordering the removal of the possibility of access to personal data by epidemiologists, and establishing that only the family doctor may have access to the personal files of the person concerned with her informed consent (opt-in modalities).

In Iraq, members of the Council of Representatives, the Government, judiciary and civil society enhanced their knowledge on the rights of minorities and made recommendations on legal, institutional and policy reforms aimed at ensuring the full and equal participation of minorities in the political, social and economic life of the country during three OHCHR/UNAMI seminars (in Basra, Baghdad and Erbil).

In the United States of America, the sale of land which is sacred to the Lakota and Dakota indigenous people was cancelled following a comprehensive public awareness campaign. The campaign included a press release by the Special Rapporteur on the rights of indigenous peoples calling on the Government and authorities in South Dakota to promote consultations with indigenous peoples. A version of the Special Rapporteur's press release that was made public on Twitter was re-tweeted over one million times.

In cooperation with the Cambodian Government and ILO, OHCHR supported the indigenous peoples' legal entity registration as a step towards applying for collective land title in Cambodia. OHCHR assisted in this effort by contributing to increased understanding among relevant ministries and

indigenous communities on the legal framework protecting the human rights of indigenous persons. OHCHR supported specific projects in seven Phnong villages and five Suoy villages.

Participation (EA 5)

Increased effective participation of individuals and groups faced with discrimination in decision-making processes, monitoring of public policies and use of existing national protection systems.

Participation in the monitoring of public policies and decision-making processes is essential for the exercise of human rights. OHCHR places particular emphasis on strengthening the participation of women in these processes.

OHCHR's report on participation of persons with disabilities in political and public life (A/HRC/19/36), mandated by the Human Rights Council, has been used in advocacy efforts with Government officials and parliamentarians to lift restrictions on the right to vote of persons with disabilities. Many Member States commended its practicality in making voting procedures more accessible to persons with disabilities.

Restoring land to the Kaqchikel community of Chuarrancho (Guatemala)

On November 2012, a court ruling restored the property of 4,185 hectares to the Kaqchikel Maya community of Chuarrancho, in the central area of Guatemala. This decision represents a two-fold victory for indigenous peoples in the country, as it provides a legal basis for both the recognition of ancestral lands and indigenous forms of organisation.

"The court ruling benefits over 5,000 families living in the community", says young indigenous leader Santos Alvarado, president of the indigenous community of Chuarrancho. "It is an important achievement because now we have autonomy over our own territory", he remarks.

During the pre-hispanic era, the indigenous community of Chuarrancho constituted an Amaq (political fraction) of the Chajoma

Nation. After being subjected to colonization and being robbed of their land by the conquerors, in 1759 the indigenous peoples of Chuarrancho bought back 4,185 hectares of their ancestral lands from the Spanish Crown. Although this purchase was recognized by the subsequent Guatemalan authorities, the land was registered under ownership of the Municipality of Chuarrancho in 2001, when the records were digitalized.

The community of Chuarrancho, with support and advice of COMKADES -a beneficiary NGO of the Maya Programme- registered their legal status as an indigenous community and then presented an appeal, claiming the change in the land registry was unconstitutional and contrary to international human rights standards. "Thanks

to the support of COMKADES, we organized ourselves as an indigenous community and got advice on how to recover our land", says Alvarado.

In the framework of the Maya Programme, OHCHR-Guatemala provides training for strategic human rights litigation on indigenous peoples' rights to indigenous organizations, university students and professors. Resulting from these trainings, a total of 18 cases of strategic litigations have been filed, focusing on the rights to land, territory and natural resources, consultation, self-determined developments, identity, freedom of expression and communication, intercultural bilingual education, non-discrimination and free access to sacred places. To date, two cases have received a favourable ruling, while the other 16 remain open.

OHCHR and a local NGO produced a report on the rights of ethnic minorities in Tajikistan. A pilot minority voter education campaign was held to inform and educate minority voters about the importance of political participation in the 2012 local elections which led to increased voter turnout in minority areas. The Office also produced a study on minority participation in decision-making bodies at the national and local levels for Central Asia. The report, *Realization of the right to effective participation of persons belonging to national minorities in public affairs*, analysed the right to effective participation in practice and identified major problems regarding the inclusion of minorities in decision-making structures and provided recommendations for addressing these problems.

In the South Caucasus, a legal clinic focusing on protection of the rights of persons with disabilities in Zugdidi, Western Georgia, was established in September with the financial assistance of OHCHR. The functioning of the legal clinic and the provision of free legal assistance, including court representation, to persons with disabilities was complemented by multiple advocacy campaigns and roundtable discussions between NGOs and representatives of the executive government in the Samegrelo region in Western Georgia.

During a workshop organized in Tunisia in December, women human rights defenders from six countries of the Middle East and North Africa (MENA) region (Bahrain, Egypt, Libya, Tunisia, Syria and Yemen) gained increased awareness about the UN conceptual framework on the protection of human rights defenders, including analysis of the gender specific dimensions that affect women human rights defenders differently.

The Office continued to promote the methodology of strategic litigation in order to create demand by individuals and certain marginalized groups to ensure the implementation of international standards, challenge anti-discriminatory laws and test the judicial system's response to anti-discrimination cases.

In Kosovo, OHCHR support increased the capacities of 10 NGOs, the Ombudsperson Institution and the Agency for Free Legal Aid to claim the right to non-discrimination. The Office also organized a training on monitoring human rights for local NGOs operating in four municipalities in northern Kosovo. Through training, local NGOs acquired theoretical knowledge and increased their understanding on their role in identifying and addressing human rights violations. A brochure was also produced

containing basic information on the role of NGOs in monitoring human rights and references for further reading.

In Colombia, OHCHR carried out a broad participatory process with more than 3,300 rights-holders to collect their visions, expectations and recommendations on the right to consultation of indigenous peoples and the concept of free, prior and informed consent. The process contributed to an enhanced dialogue between indigenous peoples and State authorities at the local level.

Also in Colombia, the participatory process contributed to increasing the knowledge of ethnic Colombian peoples, organizations and traditional authorities on international norms on free, prior and informed consultation and consent. It also contributed to strengthening indigenous, Afro-descendant and Rom organizations and enhanced their dialogue with State authorities at the local level. Additionally, a number of ethnic communities initiated a process of internal reflection and discussion that led to the adoption of regional guidelines on ways external actors must consult them.

In Guatemala, the Office facilitated dialogue and analysis of various themes related to the protection of human rights of indigenous peoples. This included a proposal on Constitutional Reform and the policies and a proposed reform of the Mining Law presented by the President. Various indigenous leaders and organizations publicly expressed their position on the Constitutional Reform. Several leaders expressed their opposition and other organizations presented a proposal to include additional themes in the reform. Ultimately, the proposal was withdrawn. Indigenous organizations also presented a legal action before the Constitutional Court arguing the unconstitutionality of the current Mining Law as it was drafted without consultation with indigenous peoples according to international standards.

In the State of Palestine², OHCHR worked with Handicap International to build the capacity of the five key national-level organizations of persons with disabilities and ensure their active involvement in ongoing discussions between UN agencies and relevant ministries related to law reform initiatives and the development of the first National Palestinian Plan of Action for Human Rights in accordance with article 4(3) of the CRPD.

² Reference to Palestine should be understood in compliance with United Nations General Assembly resolution 67/19.

In Guatemala, OHCHR provided technical assistance to the Indigenous Women Organization Tzununija regarding an emblematic case of eight indigenous women with detention orders for opposing the installation of electricity posts on their property. The Court ruled in favour of the women and required the payment of compensation by the private company. Also in Guatemala, 18 of the 20 indigenous organizations supported by the Maya Programme formally presented legal claims before competent administrative or judicial courts. Of these cases, seven have achieved results which may potentially change the national protection system regarding key areas, such as the right to participation of indigenous representatives in Departmental Development Councils, the titling of indigenous territories, the recognition of indigenous forms of organization for land tenure and the need for legislation to enable indigenous community radios to transmit in indigenous languages.

In Honduras, rights-holders actively participated in the elaboration of the *First National Policy on Human Rights - Human Rights Action Plan*, which is expected to be approved and implemented in 2013. With the assistance of OHCHR, a consultant group was created to analyse international recommendations and ensure their inclusion in the Plan.

In Paraguay, NGO capacities to monitor human rights and participate in the development of public policies were improved with OHCHR support. A new annual report of CODEHUPY (NGO human rights network) was issued in December and OHCHR's methodology on human rights indicators was taken into account by NGOs in their own monitoring and reporting processes.

Responsiveness of the international community (EA 10)

Increased responsiveness of the international community to critical and emerging situations where issues of discrimination might arise and where potential conflict situations involving discrimination may be present

The Office closely followed discrimination-related discussions at the intergovernmental level in relation to General Assembly resolutions on the rights of the child, the rights of persons with disabilities, racial discrimination, older persons, indigenous peoples, migration and freedom of religion or belief. Advice on OHCHR's role as well as relevant human rights guidance was provided, in particular on racial

discrimination, which was taken into account in final resolution texts, such as A/RES/67/155 on *Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance* and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

The awareness of participants was raised through a number of high-level panels organized by OHCHR on issues such as racism and conflict, multiculturalism and current global human rights situations drawing from the inspiration of Nelson Mandela Day, during various sessions of the Human Rights Council and other important dates, including the International Day for the Elimination of Racial Discrimination.

In March, the Office supported the first formal intergovernmental United Nations discussion on violence and discrimination against individuals based on their sexual orientation and gender identity. The event at the Human Rights Council featured presentations by the High Commissioner and a panel of experts, a video message from Secretary-General Ban Ki-moon, and an open debate, to which representatives of some 41 Member States and regional groups and a number of NGOs contributed through either oral or written statements.

Throughout the year, the Office raised international awareness of human rights violations against lesbian, gay, bisexual and transgender (LGBT) persons through a range of activities. Short videos featuring the High Commissioner and the Secretary-General appealing for an end to anti-LGBT discrimination were watched online by almost 200,000 people and widely broadcast at civil society-organized events to mark the International Day against Homophobia in May. Key messages were also disseminated via social media platforms and through feature stories posted on the OHCHR website. In September, the Office published *Born Free and Equal* -- a 60-page booklet designed for Member States and outlining the sources and scope of the legal obligations to protect the human rights of LGBT persons.

OHCHR contributed to information-sharing and awareness-raising on global resources to fight against racism and racial discrimination through the creation of the OHCHR database on practical means to combat racism, racial discrimination, xenophobia and related intolerance. The first phase of the project was completed in 2012 and

included the compilation of information received from stakeholders, as well as the identification and analysis of further data.

In supporting the Open-Ended Working Group on Ageing, OHCHR ensured geographical representation and gender balance in its panels and contributed analytical inputs to the discussions. Moreover, OHCHR promoted the participation of civil society in the debates. The Working Group's mandate was recently upgraded by the General Assembly. The 2012 Human Rights Council Social Forum marked the International Day for older persons by including presentations on the active participation of older persons in development and globalization.

The first panel discussion to *Give Voice to People Living with and Affected by HIV* was held under

the auspices of the Human Rights Council. At this occasion, people living with HIV and marginalized populations brought to light the wide array of human rights violations committed against individuals and communities affected by HIV. Delegations acknowledged that human rights were central to the global HIV response and highlighted in particular the importance of sustainable financing options to ensure access to affordable treatment.

OHCHR prepared a comprehensive publication on *Promoting and Protecting Minority Rights - A Guide for Minority Rights Advocates*. The Guide offers information related to norms and mechanisms developed to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities and the procedures and forums in which minority issues may be raised within the UN and regional systems.

The 20th anniversary of the UN Declaration on Minority Rights

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by consensus at the General Assembly on 18 December 1992. Twenty years later, it remains the most important UN instrument specifically devoted to minority rights, providing authoritative guidance and key standards ranging from non-discrimination to participation in decision-making.

In order to make this document more well-known and widely used by governments, national human rights institutions, minority activists, civil society, international organizations and the UN, OHCHR used the opportunity of the 20th anniversary to design a range of communication tools and awareness-

raising activities. These ranged from creating a graphic profile and dedicated website to organizing a Human Rights Council panel and four regional substantive events in Austria, Kyrgyzstan, Qatar and Thailand. A variety of social media platforms were used to broadcast the message of the Declaration to a global audience and encourage them to reflect on how we can all work together to ensure it has maximum impact on the ground.

The anniversary also inspired greater engagement and cooperation in the UN system, notably through the launch of the UN Network on Racial Discrimination and Protection of Minorities, established in March 2012 and coordinated by OHCHR. One of the first tasks of the Network is to prepare a guidance note for

the UN system to better address the promotion and protection of minority rights in its work.

The momentum created by the activities resulted in enhanced awareness of the Declaration as an effective advocacy tool in claiming minority rights at the national, regional and international levels, while ensuring the participation of minority women. During these anniversary events many participants reaffirmed their commitments in this field.

The Office also finalized a comprehensive publication entitled, *Promoting and Protecting Minority Rights - A Guide for Minority Rights Advocates* to build the capacity of various stakeholders working on minority issues.



The Department of Public Information, in cooperation with OHCHR, produced a publication combining the 2001 Durban Declaration and Programme of Action, the 2009 outcome document of the Durban Review Conference and the 2011 political declaration of the 10th anniversary of the Durban Declaration and Programme of Action. The publication will be disseminated as a reference tool for UN system partners, students, non-governmental organizations and human rights practitioners.

The Office developed a global campaign, entitled *Let's Fight Racism*, to highlight stereotypes, challenge perceptions, encourage discussion and change behaviour. Images of people of different racial and ethnic backgrounds were used on postcards, videos, the internet and social media platforms and were accompanied by the slogan, *More than meets the eye*. The campaign was used to conduct a multilingual social media campaign in the lead-up to the International Day for the elimination of racial discrimination in 2012. The week-long campaign, *7 Days & 7 Ways to Fight Racism*, used Twitter, Facebook and newer social media tools such as Storify, Pinterest and Google+ to reach a record number of people, including over three million followers on Twitter. The global network of UN Information Centres further promoted and disseminated the *Let's Fight Racism* materials as part of their local public information campaigns.

Human rights mainstreaming within the United Nations (EA 11)

Increased integration of equality and non-discrimination standards and principles in UN policies and programmes and in other key areas including at the country level

OHCHR works within and across the UN system to promote and protect human rights. It aims to integrate a rights-based approach to the UN's work and ensure that the principles of equality and non-discrimination continue to serve as a solid foundation to the UN's programming in all spheres and activities.

In March, the Secretary-General's Policy Committee endorsed the establishment of a UN Network on racial discrimination and the protection of minorities. The network is coordinated by OHCHR with the primary aim of enhancing dialogue and cooperation between relevant UN departments, agencies, funds and programmes. The objective is to build coherent and contextualized UN action and messages on racial discrimination and minority

issues, both globally and in specific regions, and provide support for strong Secretary-General engagement. The network will also review the content of relevant training initiatives established within the Secretariat and elaborate proposals on how they could better incorporate issues concerning racial discrimination and national or ethnic, religious and linguistic minorities.

The implementation of the UN Indigenous Peoples' Partnership (UNIPP) began in 2012, with six UN joint programmes in Bolivia, Cameroon, Central African Republic, the Congo and Nicaragua, as well as through a regional programme in South-East Asia. While they are still in the early stages of implementation, these joint programmes have already yielded results, including normative developments and improvements in dialogue between Government officials and representatives of indigenous peoples. For example, in the Congo, the UNIPP contributed to the development of seven Governmental decrees to facilitate the implementation of the law on indigenous peoples in July 2012. This is the first law in Africa devoted to indigenous peoples and the decrees aim to ensure its full implementation in key thematic areas, such as the protection of traditional knowledge, cultural heritage and sacred sites of indigenous communities as well as access to education and health services.

In March 2012, OHCHR, through its the Regional Office for Europe, assumed the leadership of the Roma Task Force of the Regional Directors Team (RDT) and was charged with drafting a joint position paper of the RDT on Roma, which was adopted in November 2012.

In Ecuador, OHCHR, in coordination with the Resident Coordinator's Office and PRO169 of ILO Peru, organized and implemented a workshop for the staff of other UN agencies to increase their knowledge and strengthen their understanding about the right to prior consultation of indigenous peoples.

OHCHR led a mapping of women's access to justice activities in selected member organizations of the Inter-Agency Network on Women and Gender Equality (IANWGE). The aim was to identify trends and opportunities for cooperation in future UN programming. This process contributed to evaluating the adequacy of current programming and funding in terms of coherence and coordination. OHCHR contributed to raising awareness among IANWGE members and NGOs on a rights-based approach to women's access to land

in the context of the Commission on the Status of Women (CSW) discussions on promoting the rights of rural women.

Human rights analysis and proposals were developed to strengthen the Operational Risk Management Framework of the Global Fund to fight AIDS, tuberculosis and malaria. OHCHR was part of consultations that provided clear recommendations on the implementation of the Global Fund's human rights strategy which included: (i) the adoption of a human rights policy; (ii) adoption of human rights performance indicators for human rights programming; and (iii) increased human rights knowledge and capacity within the secretariat and governance structure.

OHCHR worked closely with other UN partners in developing the *Technical Guidance on the application of a human rights-based approach to the implementation of policies and programmes for the reduction of preventable maternal mortality and morbidity*. The Guidance, which was launched in September, provides concrete advice on steps that should be taken by States and other stakeholders to effectively meet their human rights obligations.

Challenges and lessons learned

Gaps in the full and effective implementation of international obligations in the field of non-discrimination and equality continued in 2012.

OHCHR worked to address these gaps through the provision of technical assistance to Member States upon their request, tools and guidance notes and specific workshops, trainings and general advocacy initiatives for the international community.

Reaching international consensus on anti-discrimination issues continues to be a challenge to the work of the Office, although the High Commissioner and her staff aim to address this challenge through advocacy efforts and professional and effective support provided to Member States, mechanisms and treaty bodies.

Issues such as opinion and freedom of religion or belief, as well as other emerging issues will remain at the forefront of international human rights in the years to come. Guided by key human rights instruments, norms and standards, the Office will continue to address all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance worldwide.

Impunity and the rule of law

Combating impunity and strengthening accountability, the rule of law and democratic society

Background

In 2012, Heads of State and Government came together at the General Assembly to discuss the rule of law, recalling its central place at national and international levels. In the *Declaration on the Rule of Law at the National and International Levels* adopted on 24 September 2012, Member States reaffirmed their commitment to the rule of law, as well as the interlinked and mutually reinforcing nature of human rights, the rule of law and democracy.

Throughout the year, however, tragic developments taking place in many regions of the world, such as events in the Syrian Arab Republic and Mali, have once again highlighted the fundamental importance of preserving and enforcing the rule of law at national and international levels. Democratic societies founded on the rule of law which ensure the availability of accountability mechanisms are more likely to provide effective protection of human rights and appropriate redress to victims of violations when other safeguards have failed. Concurrently, the absence of democracy and the rule of law systematically results in gross violations of human rights and widespread suffering.

Establishing effective mechanisms to ensure that those who commit human rights violations do not go unpunished is an important step in the restoration of the rule of law. Transitional justice is vital when addressing the consequences of conflict or repressive rule. It provides a framework for the rights to justice, truth, reparations and guarantees of non-recurrence. Such frameworks enable a comprehensive approach to combating impunity and ensuring accountability for past human rights violations, redress for victims and broader institutional reform.



A Filipino blogger joins a protest rally against the implementation of the 'Cybercrime Prevention Act' in front of the Supreme Court in Manila, Philippines, October 2012.

OHCHR's role

OHCHR plays a leading role within the UN system on democracy and the rule of law. Promoting respect for democracy and the rule of law, combating impunity and strengthening accountability for human rights violations underpin all activities of the Office. In particular, OHCHR supports transitional justice processes and contributes to improving access to justice for individuals and groups facing discrimination, including by enhancing the framework for accountability for human rights violations, increasing human rights protection in the administration of justice and supporting the development of democratic institutions.

In implementing its mandate, OHCHR engages with States, national human rights institutions (NHRIs), judicial and quasi-judicial institutions, law enforcement agencies and civil society organizations. At the global level, OHCHR supports the development of relevant international norms and standards, collects good practices, elaborates guidance tools and carries out capacity-strengthening activities. It also supports human rights mechanisms in their efforts to enhance the legal protection of human rights and accountability.

At the national level, OHCHR is involved in providing normative guidance, technical advice and capacity-strengthening activities which contribute to the development of robust, rule of law-based justice systems. Assistance includes support, needs assessment related to human rights, implementation of specific activities, review of relevant legislation and policies to ensure their compliance with international human rights standards and the delivery of practical human rights advisory and training programmes.

Throughout the year, OHCHR continued to deploy efforts to actively respond to human rights crises and all relevant situations. The following outlines some of the advances made in contributing to establishing democracy and the rule of law and countering impunity in 2012.

National laws, policies and institutions (EA 1)

Progressively strengthened democratic institutions and governance systems based on the rule of law and the protection of human rights

Constitution-making and constitutional courts

OHCHR provided advice and assistance in the drafting of new constitutions, advocating for the inclusion of provisions to strengthen human rights



Members of Somalia's first parliament in twenty years were sworn in at an open-air ceremony at Mogadishu International Airport, August 2012.

and for constitutions to be in line with international standards. In Somalia, the adoption of the Provisional Constitution in August followed extensive consultations with Somali authorities. The Provisional Constitution contains important provisions protecting some fundamental human rights. In Mauritania, constitutional amendments provide for the full independence of the judiciary and qualify the crimes of slavery and torture as crimes against humanity. In Mexico, a constitutional amendment authorizing federal authorities to investigate crimes against journalists entered into force in June, endorsing the recommendation made by the UN and OAS Special Rapporteurs on freedom of expression.

In Colombia, despite considerable advocacy efforts and activities undertaken by the Office and other stakeholders, a constitutional reform expanding military criminal jurisdiction to investigate and decide cases of human rights violations, that should instead be under the authority of the civilian justice system, came into force in December. Concerns persist that this reform will lead to impunity in cases of serious violations of human rights and humanitarian law.

OHCHR also encouraged constitutional courts to apply international human rights standards in their rulings. Following advocacy by the High Commissioner and special rapporteurs of the Human Rights Council, significant decisions upholding human rights standards were issued by the Supreme Court of Mexico and the Plurinational Constitutional Court (PCC) in Bolivia. Furthermore, in December, following a workshop organized by the Office, the PCC magistrates, judges and judicial officials agreed on measures to promote access to constitutional justice.

In Libya, the UN Support Mission (UNSMIL) advocated for changes in the Glorification of the Dictator Law which was passed by the National Transitional Council. The Law was consequently revoked by the Supreme Court in June which judged it to be unconstitutional and in violation of the right to freedom of opinion and expression.

Compliance of national legislation and policies with human rights

OHCHR continued to play an important role in providing technical assistance and advice to many countries on draft legislation related to various human rights issues to ensure its compliance with international norms and standards.

Legislation on torture

In Paraguay, the definition of torture in the criminal code was amended to bring it in line with international law. In Kyrgyzstan, the Parliament approved amendments to the criminal code and the code of criminal procedure which brought the definition of torture in closer compliance with international law and established stricter penalties to reflect the gravity of the crime. In Togo, a new criminal code was adopted by the Council of Ministers which defines and criminalizes torture and is more compliant with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In Uganda, the Prevention and Prohibition of Torture Bill was passed into law which domesticated CAT and integrated recommendations made by OHCHR to improve the bill, including an explicit mention of reparation for victims of torture.

Legislation on the death penalty

In Thailand, OHCHR contributed to progress made in reducing the scope of application of the death penalty through consistent advocacy and technical assistance. The Government withdrew its interpretative declaration regarding article 6 of the International Covenant on Civil and Political Rights after an amendment of the criminal code which stipulated that the death penalty should not be imposed on minors. In Singapore, the Parliament passed amendments to three laws that reduced the scope of application of the death penalty, making appeals automatic and providing judges with the discretion to impose a life sentence in certain cases. In the Central African Republic, the Government set up a committee to abolish the death penalty following advocacy efforts undertaken by the Human Rights and Justice Section of the United Nations Integrated Peacebuilding Office in the Central African



Participants at a seminar on human rights and torture supported by OHCHR in Yavan, Tajikistan.

Republic (BINUCA). The draft law is currently tabled before Parliament. In relation to international human rights mechanisms, the Special Rapporteurs on extrajudicial, summary and arbitrary executions and on torture submitted reports to the 67th session of the General Assembly specifically addressing the issue of the death penalty in relation to their respective mandates (A/67/275 and A/67/279).



A woman holding a placard that reads "Yes to life, no to the death penalty" during a demonstration in San Juan, Puerto Rico, September 2012.

Legislation on legal aid and independence of the judiciary

In Azerbaijan, OHCHR participated in the consultation process with the working group engaged in preparing the draft law on legal aid, which was submitted to a parliamentary committee for approval. In Sierra Leone, the Human Rights and Rule of Law Section of United Nations Integrated Peacebuilding Mission in Sierra Leone (UNIPSIL) continued its technical support to Parliament, which passed a Legal Aid Law establishing an independent legal aid body to provide free legal advice and representation to the underprivileged. In Guatemala, OHCHR ensured compliance with international human rights standards of the proposed reforms to the Guatemalan Law on the Judicial Career and will continue its advocacy work to ensure that the proposed reforms are presented before Congress.

Legislation on freedom of opinion and expression

Following a joint letter sent in January 2012 by the Special Rapporteurs on the right to freedom of opinion and expression, the situation of human rights defenders and the rights to peaceful assembly and of association, the Government of Chile introduced changes to the draft Law on Strengthening the Preservation of Public Order. Notwithstanding these positive developments, the Special Rapporteurs reiterated their concerns about other provisions that could lead to arbitrary restrictions to the rights to freedom of expression and peaceful assembly. OHCHR provided technical advice and was involved in the legislative processes in the states of Campeche and Mexico which led to the annulment of defamation laws. Nonetheless, defamation continues to be criminalized in 12 Mexican states.

Legislation and policies on human rights defenders and journalists

The adoption and implementation of legislation and policies aimed at the protection of human rights defenders and journalists is fundamental and was the focus of OHCHR attention in several countries. For instance, in Mexico, the Law for the Protection of Human Rights Defenders and Journalists was adopted by Congress as a result of concerted advocacy efforts undertaken by civil society and technical assistance provided by OHCHR. The Law, which entered into force in June, creates a National Mechanism for the Protection of Human Rights Defenders and Journalists. In Beirut, a Regional Conference for human rights defenders, journalists and unionists took place in May with the participation of the Deputy High Commissioner and the Special Rapporteur on human rights defenders. During the conference, actions for

encouraging the development and implementation of national action plans were discussed.

Legislation on children's rights

In Liberia, the Human Rights and Protection Section of the United Nations Mission in Liberia (UNMIL) provided technical assistance to the Liberia Legislative Association to promote the incorporation of human rights standards in a bill to protect the rights of the child, which was eventually passed into legislation. The Czech Republic adopted an amendment to the Act on Child Protection. OHCHR increased regional awareness on alternative care for institutionalized children through the publication and dissemination of a study on the *Rights of Vulnerable Children under Three: Ending their Placement in Institutional Care*, which outlines the human rights-based approach to alternative care for children in institutions in Central and Eastern Europe.

In Rwanda, the Human Rights Advisor (HRA) and the United Nations Country Team (UNCT) took the strategic decision to postpone follow-up training on the application of international laws in policymaking for select committees and commissions of Parliament and Senate until after the Parliamentary election scheduled for September 2013. Moreover, the HRA was not afforded the space to influence specific draft laws related to human rights issues under review by Parliament or to lobby for their enactment by the legislature.

Human rights action plans

Human rights action plans can be instrumental to the development of comprehensive national strategies for ensuring the effective implementation of international human rights obligations, including with regard to combating impunity. OHCHR assisted national authorities in their efforts for elaborating human rights action plans that are in compliance with international human rights standards in Chad, Honduras, Lebanon and Paraguay. It is hoped they will be adopted by their respective parliaments in 2013. Steps were taken in Iraq to implement the National Action Plan (NAP), including through the establishment of an inter-ministerial committee to oversee its implementation.

Strengthening human rights compliance by judicial and law enforcement institutions

OHCHR organized and facilitated human rights training for the judiciary, police and other security forces, including military forces, in order to enhance their awareness of and compliance with international human rights standards in many countries, including:



Participants at an OHCHR training on human rights for staff members of Togo's penitentiary administration, November 2012.

Afghanistan, Cambodia, Chile, the Dominican Republic, Georgia, Guatemala, Guinea, Haiti, Honduras, Iraq, Qatar, Somalia, South Sudan, Tunisia and Uganda.

These trainings have contributed to, for example: in Guinea, a reduction in the use of lethal weapons by police and gendarmerie during public demonstrations and in the number of persons held in custody beyond the legal limit of 48 hours; greater willingness by Ugandan security forces and the Prison Service to take action against alleged perpetrators of human rights violations; and increased knowledge among new recruits of the police and National Guard in Tunisia of international human rights standards relating to law enforcement, crowd control and other relevant human rights issues.

In Haiti, with the support of the Human Rights Section (HRS), the Magistrate School included a module on international human rights in its regular training, which is taught by a representative of the HRS. In addition, the HRS organized a public debate between selected Haitian judges and a judge and senior staff lawyer of the Inter-American Court of Human Rights on the national-level applicability of international human rights law. The proceedings of this debate were published as a reference and advocacy tool to improve the use of international human rights standards in national courts. Copies will be distributed among judges and prosecutors.

In Somalia, the Human Rights Unit elaborated an innovative training on human rights issues for judges, lawyers and legal academics in Somaliland, Mogadishu and Puntland (see box for more information on page 36). Efforts undertaken by the Human Rights Division in South Sudan resulted in the incorporation of human rights modules in the training for new police recruits and the integration of human rights as a cross-cutting theme in police

training. The UN Doha Centre, in collaboration with the Qatari Ministry of Interior-Human Rights Department, organized a five-day human rights training programme for the local police constabulary which enhanced the knowledge of 26 mid-ranking Qatari police officers, including four women.

In other countries such as Azerbaijan, Bolivia, Cambodia, Guatemala, Honduras, Lebanon, Mexico, Paraguay and Togo, technical assistance provided by OHCHR, often in cooperation with other UN agencies and civil society, aimed at contributing to the strengthening of the judiciary, police and other security forces and their capacity to work in full compliance with human rights standards.

In Mexico, OHCHR undertook 36 field missions in 16 states to monitor and document 110 cases of alleged human rights violations. In this context, it conducted 120 interviews with advocates, victims and witnesses and presented documented cases to the human rights ombudsmen and law enforcement authorities at the federal and local levels. OHCHR also familiarized prosecutors with international human rights standards, conveyed concerns about individual cases and patterns of violations and advocated for compliance with their international obligations to prosecute those responsible. These efforts resulted in an improved responsiveness from authorities to combat impunity and ensure accountability.

In Cambodia, OHCHR supported the revision of the Code of Professional Conduct for lawyers by organizing a series of consultations with lawyers to finalize the revised Code and providing expert technical advice. The revised Code, which is now more compliant with international human rights law, was adopted by the Bar Association in September. OHCHR also supported trial monitoring in two provincial courts which resulted in improved respect for fair trial rights. In addition, there are no longer any prisoners in Cambodia with appeals that have been pending for 10 or more years.

Following capacity strengthening activities for law clerks of the Guatemalan Constitutional Court and the submission by OHCHR-Mexico of five compilations of relevant international norms and standards to the National Supreme Court of Justice, international human rights standards were incorporated in judicial decisions in Guatemala and Mexico.

In Lebanon, the Code of Conduct for the Lebanese Internal Security Forces was formally launched and endorsed by the Prime Minister. Copies of the Code

of Conduct were distributed to the 27,000 members of the Internal Security Forces.

In Tunisia, OHCHR, UNDP and ICR collaborated to support the development of Standard Operating Procedures (SOPs) with regard to the use of force and firearms in public places, which were officially presented to the competent authorities in May. The Office provided information on human rights standards and norms and good practices relative to the use of force and ethical and lawful policing. Once officially adopted, the SOPs will serve as an important reference tool for the conduct and work of Tunisian law enforcement agents.

Human rights education

Human rights education plays a crucial role in ensuring that relevant stakeholders, including civil society, are equipped with the human rights knowledge and awareness to contribute to the establishment and strengthening of democracy and the rule of law.

In Paraguay, the Ministry of Education requested that the HRA continue its cooperation in the implementation of the National Plan on Human Rights Education which was adopted in 2012.

OHCHR continued its efforts to consolidate the Human Rights Masters Programme in the Russian

The new ambassadors for human rights in Somalia

“There are no people more important than lawyers to defend and advocate for human rights,” says Hassan, the Director of a Legal Aid Clinic in Somaliland, reflecting on the impact lawyers can have on the defense and promotion of human rights for the protection of the people of Somalia.

Hassan was one of 24 lawyers from across all regions of Somalia brought together for the first time in 20 years for training on human rights in the administration of justice. The training was facilitated by the UNPOS Human Rights Unit (HRU) in collaboration with UNDP in Hargeisa last May. With constitutional safeguards for human rights reaffirmed under the Provisional Constitution, advocacy for human rights by legal practitioners under a constitutional framework is critical to driving the emergence of a human rights legal culture in Somalia.

Following the collapse of government institutions during the conflict, customary practices were heavily relied upon to mediate disputes. A prevailing lack of confidence in the formal legal channels is one of the challenges faced by the justice institutions. The UNPOS Human Rights Unit’s support to justice sector development consists of enabling

key implementing actors such as judges, prosecutors and lawyers to assume their roles more effectively in the promotion of human rights in the administration of justice.

A country-wide training project for legal professionals in Somalia, which started in November 2012, will continue in the future. It is hoped that this project will spark transformational change encouraging local leadership for the promotion and implementation of international human rights standards in Somalia. “Human rights have to be at the centre of the peace process”, upholds UNPOS Deputy Representative, Peter de Clercq, recognizing that: “Human rights abuses are at the root of the Somali conflict”.

The UNPOS Human Rights Unit training aims to encourage legal practitioners to identify the many commonalities that already exist between international human rights law, Islamic law and the domestic legal framework in Somalia. In order to promote greater compliance and advocacy from those involved in the administration of justice, international human rights standards must first be accepted as consistent with the prevailing legal culture.

To sustain these advances through the next generation of

legal practitioners, UNPOS/HRU is further providing support to the Somali academia. After a meeting in Djibouti in early 2012, representatives of four Somali Universities – namely, the University of Mogadishu, Puntland State University, East Africa University and the University of Hargeisa – committed to producing a draft curriculum on human rights in the administration of justice. In May, the University delegations harmonized these respective draft curricula into an integrated teaching tool for the training of judges, prosecutors and lawyers under the aegis of the UNPOS/HRU in a follow-up workshop held in Hargeisa, Somaliland. Hassan noted that the UNPOS/HRU training on human rights brought him to realize that “we can work together in the name of Somalia rather than political regions.” Indeed, both the human rights training and human rights curriculum workshop brought together representatives of legal professions strongly divided along regional lines. It gave them an opportunity to reflect on and discuss a way forward for the development of the justice system in Somalia, in compliance with international human right standards and in respect of legal traditions.

Federation, building on the achievements reached during the first pilot year. OHCHR supported the inter-university partnership that enabled the Consortium of Russian Universities to jointly develop and implement the programme cycle for 2011-2012. Following the Consortium's development of a comprehensive multidisciplinary curriculum, the course on *International Human Rights Protection* is accredited as a specialized discipline within Masters Degree studies.

Fair trial indicators

OHCHR continued to promote the use of human rights indicators, in particular on the right to a fair trial, among governmental institutions, human rights institutions, civil society organizations and academics. In April, the Superior Tribunal of Justice of Mexico City, together with OHCHR, published the first volume of a series of publications on fair trial indicators. As of the end of 2012, nine tribunals had initiated the elaboration of fair trial indicators, which have also been approved at the federal level by the Supreme Court of Justice of Mexico and the Federal Judicial Council. In Paraguay, fair trial indicators to monitor and promote access to justice were adopted by the Supreme Court of Justice.

Prisons and other detention facilities

As a result of monitoring of detention facilities as well as advocacy and support by OHCHR and other partners, the treatment of prisoners in detention facilities and by law enforcement officials has improved in many countries. For example, in Afghanistan, national authorities and the International Security Assistance Force (ISAF) undertook a variety of measures to address issues presented in the United Nations Assistance Mission in Afghanistan (UNAMA)/OHCHR report *Treatment of Conflict-Related Detainees in Afghan Custody* (October 2011) concerning the human rights and humane treatment of detainees in detention facilities.

Cambodian prison authorities have increased their capacity to protect the rights of prisoners. Three ministries issued an inter-ministerial directive banning prison production for export, following briefings, consultations and advocacy efforts undertaken by OHCHR.

In Honduras, the Human Rights Adviser conducted a comprehensive assessment of the prison system and made recommendations for its improvement. In Libya, an inter-ministerial committee involving the Ministries of Interior, Defence and Justice was established to resolve issues and carry out inspections of facilities where cases of torture or mistreatment were occurring. In Myanmar, the



The Assistant Secretary-General for Human Rights tours the National Penitentiary in downtown Port-au-Prince as part of his official visit to Haiti, September 2012.

Government announced a special mechanism to review outstanding cases of political prisoners following advocacy undertaken by OHCHR and the Special Rapporteur on the human rights situation in Myanmar. In Togo, the Government adopted a decision to reduce the number of pre-trial detainees by 50 per cent by the end of 2012. To date, 421 detainees have been released.

Democracy and elections

OHCHR supported national authorities to strengthen national institutions and national capacity in order to ensure free and fair elections and respect of human rights, including women's rights, during election processes through advocacy, training and awareness-raising in: Angola, Cameroon, the Democratic Republic of Congo (DRC), Mauritania, Senegal and Timor-Leste.

In Angola, OHCHR contributed to the peaceful elections in 2012 and the reporting of alleged human rights violations therein through advocacy with the Angolan authorities to ensure respect of human rights. In Mauritania, following advocacy efforts undertaken by OHCHR, the Independent Electoral Commission was established in accordance with democratic and human rights principles. In Senegal, OHCHR contributed to strengthening the capacities of Senegalese civil society organizations by creating the Women's Platform for peaceful elections to ensure women's participation in the presidential and legislative elections in 2012.

In Timor-Leste, the Human Rights and Transitional Justice Section of the United Nations Integrated Mission in Timor-Leste (UNMIT) provided technical support to the National Human Rights Institute,



Participants at an OHCHR workshop for staff members of national human rights institutions from the Central Africa subregion.

Provedoria, to enhance its capacity to monitor and report on the human rights situation during the free and fair presidential and parliamentary elections and ensure compliance with human rights obligations.

Increased engagement of national human rights institutions in addressing impunity

National human rights institutions and Ombudsperson institutions are among the mechanisms that can ensure compliance by States of their human rights obligations and work to combat impunity and promote the rule of law. In this regard, OHCHR advocates for and supports their establishment in compliance with the Paris Principles.

Establishment of NHRIs

In the Central African Republic, Chad, the Democratic Republic of Congo, Guinea, Haiti, Madagascar and Yemen, OHCHR collaborated with other partners to provide advice and assistance in drafting laws to establish NHRIs or Ombudsperson institutions. Following the development of relevant legislation, it is anticipated that NHRIs will be formally created in the Central African Republic, Chad and the DRC in 2013. In Papua New Guinea, the National Executive Council approved the draft enabling legislation for the National Human Rights Commission.

With the support of OHCHR, which included the provision of legal advice to national authorities and civil society on applicable human rights standards and relevant good practices, NHRIs or Ombudsperson institutions were established in Côte d'Ivoire, Iraq, Niger, Pakistan, Republic of Moldova, Sudan, Uruguay and Zimbabwe.

Following advice provided by OHCHR to the Ministries of Health and Justice on the need for human rights oversight in the national psychiatric service, one of Moldova's leading human rights advocates was appointed to the pilot position of Ombudsperson for Psychiatry in May 2012.

In April, the Government of Yemen adopted a decision to establish a NHRI and mandated a ministerial committee to prepare the legal framework. A joint HRA-UNDP project, signed with the Government in July, includes a component on supporting the establishment of an independent NHRI.

Increased compliance with Paris Principles and strengthening of existing NHRIs

In Cameroon, Gabon, the DRC, Equatorial Guinea, Myanmar, Sierra Leone and Sri Lanka, OHCHR provided advice, technical assistance, training and relevant documentation to Governments to increase the compliance of their NHRIs with the Paris Principles.

As part of the steps taken by the Myanmar National Human Rights Commission (MNHRC) to become Paris Principles compliant, OHCHR advised on the draft legislation to give the MNHRC a legislative basis, which is awaiting finalization before submission to the Parliament. The quasi-judicial capacity of the Human Rights Commission of Sierra Leone was further developed with the Human Rights and Rule of Law Section of UNIPSIL which provided technical assistance in relation to a second public inquiry into violations committed by the police in Bumbuna in April 2012.

In Burundi, the Commissioners of the newly-established Independent National Human Rights Commission enhanced their knowledge of the International Coordinating Committee (ICC) of National Institutions accreditation process through OHCHR training. OHCHR, together with civil society partners, assisted the staff of the Ombudsman Institute of the Republic of Azerbaijan, as well as civil society, to strengthen their knowledge of international human rights standards, including through the monitoring and reporting of human rights violations. Both institutions received an "A" status by the ICC.

In Afghanistan, the work of all nine commissioners has continued despite the fact they have not been reappointed since December 2011. This undermined the capacity of the Afghanistan Independent Human Rights Commission to act as a strong advocate for human rights. As of December 2012, the reappointment issue has not been resolved despite the repeated interventions by the High Commissioner

and efforts of the Special Representative of the Secretary-General in Afghanistan and several embassies.

Support to establishment of other bodies promoting human rights

OHCHR supported the efforts of States to establish authorities tasked with promoting the implementation of human rights at the national level. In Peru, OHCHR provided technical assistance for the establishment of the Vice-Ministry of Human Rights and Access to Justice within the Ministry of Justice. In Uganda, OHCHR and the Uganda Human Rights Commission advocated for the creation of a Human Rights Committee in Parliament, which was established in June, and organized an induction workshop on critical human rights issues for the committee members.

National accountability mechanisms established and operating in accordance with international human rights standards and good practices

In Yemen, the extensive work conducted by OHCHR, with the Ministries of Human Rights, Legal Affairs and with the Secretary-General's Special Advisor, contributed to the issuance of a Presidential Decree in September providing for the establishment of a National Commission of Inquiry to investigate human rights violations committed during the events of 2011.

In Côte d'Ivoire, OHCHR shared information gathered by UN mechanisms with the National Commission of Inquiry established to investigate human rights violations committed after the 2010 elections. The report of the Commission of Inquiry was presented to the President in August 2012 and to the Special Investigation Cell to ensure that alleged perpetrators are brought to justice. Furthermore, technical support and training provided by the Human Rights Division of the United Nations Operation in Côte d'Ivoire (ONUCI) to national judicial institutions led to the holding of the first two national trials for crimes committed during the post-electoral crisis.

In Guinea, the joint advocacy efforts and legal advice provided by OHCHR, UN partners, the ICC and NGOs resulted in the Government's allocation of additional resources to the judges in charge of investigating human rights violations committed during the events of 28 September 2009. This in turn led to the indictment of two government officials named in the report of the International Commission of Inquiry.¹

¹ "Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea," S/2009/693 of 18 December 2009.

In Timor-Leste, accountability for serious crimes and past human rights violations was enhanced through the completion of the investigation by the Office of the Prosecutor of approximately 80 per cent of the incidents identified by the Independent Special Commission of Inquiry. Since the establishment of the Commission in 2006, final judgments were rendered in seven cases, while 10 cases were closed pending discovery of new evidence. As of the end of 2012, investigations were pending for five incidents. The UNMIT Human Rights and Transitional Justice Section continued supporting the work of the Office of the Prosecutor by funding two international prosecutors.

OHCHR continued to support authorities in strengthening national capacities to effectively protect victims and witnesses of international crimes and gross violations of human rights. In Kosovo, OHCHR's technical support and advice resulted in the adoption of a legal framework on victim and witness protection that effectively addressed human rights concerns. In Uganda, OHCHR is supporting the development of a similar legal framework.

In Mexico, the Federal Congress adopted the General Law on Victims which established a National System for the Attention to Victims to protect the rights of victims of crimes and human rights violations and their families. OHCHR-Mexico provided technical assistance during the drafting process, facilitated dialogue between congresspersons and victims and conducted advocacy efforts during the final stages of debates.

National Preventive Mechanisms

National Preventive Mechanisms (NPMs) established in accordance with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) provide effective independent oversight mechanisms to prevent torture and ill-treatment. OHCHR continued to advocate for and support the establishment of NPMs in all regions. This was particularly successful in Cambodia, Lebanon and Tunisia, where laws were drafted establishing NPMs. In Togo, the Commission Nationale des Droits de l'Homme is expected to finalize the amendments to its organic law to facilitate its restructuring to accommodate a NPM. In Ukraine, the Office of the Ombudsman became the country's NPM in October 2012, after Parliament adopted the necessary amendments to the Ombudsman law.

Transitional justice mechanisms (EA 3)

Transitional justice mechanisms increasingly established and operating in accordance with international human rights standards and good practices

OHCHR supports a comprehensive approach to transitional justice processes and mechanisms, which includes truth-seeking initiatives, judicial accountability mechanisms, legal reforms and reparations programmes. During 2012, the Office provided assistance and training in this regard in many countries across several regions of the world.

OHCHR continued to be actively engaged in monitoring, promoting and supporting transitional justice processes initiated in the Middle East and North Africa region (MENA). In November 2012, together with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the UNDP Regional Centre in Cairo, the Office co-organized a regional consultation on transitional justice, which helped raise awareness about international principles and standards among stakeholders engaged in transitional justice initiatives in the region.

In Tunisia, the technical committee in charge of overseeing the national consultation process and drafting the law on transitional justice increased its knowledge on transitional justice through trainings and technical advice provided by OHCHR.

In Libya, UNSMIL provided legal and technical advice, and jointly with OHCHR, trained prosecutors on the screening of detainees. Consequently, a screening committee was established and began reviewing cases of detainees. In a public report issued in September, UNSMIL made recommendations on reforming the Transitional Justice Law adopted by the National Transitional Council. This contributed to the submission to the General National Congress of a new draft Transitional Justice Law, which incorporates the majority of recommendations made by UNSMIL. Furthermore, one of the two Laws that grant amnesties to members of the former regime and the Thuwar was amended as a result of efforts undertaken by UNSMIL to encourage national authorities to revise the Laws.

In Egypt, OHCHR implemented several awareness-raising activities on transitional justice for Government authorities, national human rights institutions and civil society organizations. However, due to the prevailing political instability, progress made on transitional justice issues was limited.



Image of one of the activities carried out by UNMISS with children in secondary schools to commemorate Human Rights Day in Kuajok, South Sudan.

In Colombia, the new National Centre for Historical Memory was strengthened through the adoption of an interdisciplinary methodology promoted by OHCHR through trainings for 40 newly hired interviewers of demobilized paramilitary members in the context of a non-judicial truth-seeking initiative.

Uganda revised its Amnesty Law to eliminate provisions in relation to the granting of a blanket amnesty, following advocacy efforts undertaken by OHCHR with national and international partners. In particular, a report containing recommendations of national consultative workshops, co-organized by OHCHR on the Amnesty Law, influenced the Government's decision to revise the bill. In September, Madagascar adopted an amnesty law in line with international norms after a joint OHCHR and Southern African Development Community mission to the country to provide technical support to the transitional authorities in relation to its drafting.

In Colombia, OHCHR advised authorities to undertake prompt and effective action in cases of threats, attacks and persecution of persons involved in land restitution processes, as part of the implementation of the Victims' and Land Restitution Law, and provided support to authorities for more effective protection to those involved. Furthermore, OHCHR fostered comprehensive reparation and return plans within the framework of Transitional Justice Committees for the communities of Tulapas and Los Cedros in the department of Antioquia, which resulted in budgetary allocations to improve, inter alia, a road and a health centre.

In Nepal, OHCHR contributed to raising awareness on transitional justice through the October 2012 release of the Nepal Conflict Report, which documents and analyses serious violations of international law that occurred during the 1996-2006 conflict. It also worked to establish a database of around 30,000 documents, designed to provide a tool for Nepalese institutions and civil society to continue the process of seeking truth and justice for the crimes committed.

Access to justice and basic services (EA 4)

Increased access to justice for individuals and groups facing discrimination

Progress was made in the development of a joint UN Women, OHCHR and UNDP programme on access to justice for women. All three organizations drafted and approved the concept note and the terms of reference of the multi-partner Trust Fund to support a joint programme. Project documents are expected to be developed and approved in 2013.

OHCHR also supported the elaboration of a Regional Protocol for the Investigation of Femicide in order to strengthen capacity of law enforcement officers in Latin America to investigate, prosecute, punish and redress femicide.

In Cambodia, the Office increased awareness of the rights of people in police custody, including through the publication, together with the Ministries of Interior and Justice, and distribution of an “Arrest Rights Card,” which explains in plain language the rights of detainees. OHCHR also improved access of rights-holders to quality legal representation, in partnership with *Avocats sans Frontières*, to provide free legal representation for four months in criminal cases throughout the country. A legal advocacy officer will be recruited to assist lawyers in developing arguments using international human rights law.

In Colombia, OHCHR encouraged victims to use national protection mechanisms and fostered the adoption of protection measures by the National Protection Unit in cases of threats and attacks against and the persecution of persons involved in land restitution processes. For instance, in the department of Bolívar, OHCHR, in coordination with the National Protection Unit, helped ensure protection measures for a land restitution claimant whose life had been threatened by post-demobilization groups. The intervention of OHCHR in Becerril (Cesar) also helped a group

of investigators and journalists working on land grabbing to receive the necessary protection to continue carrying out their work.

A human rights case in Cambodia

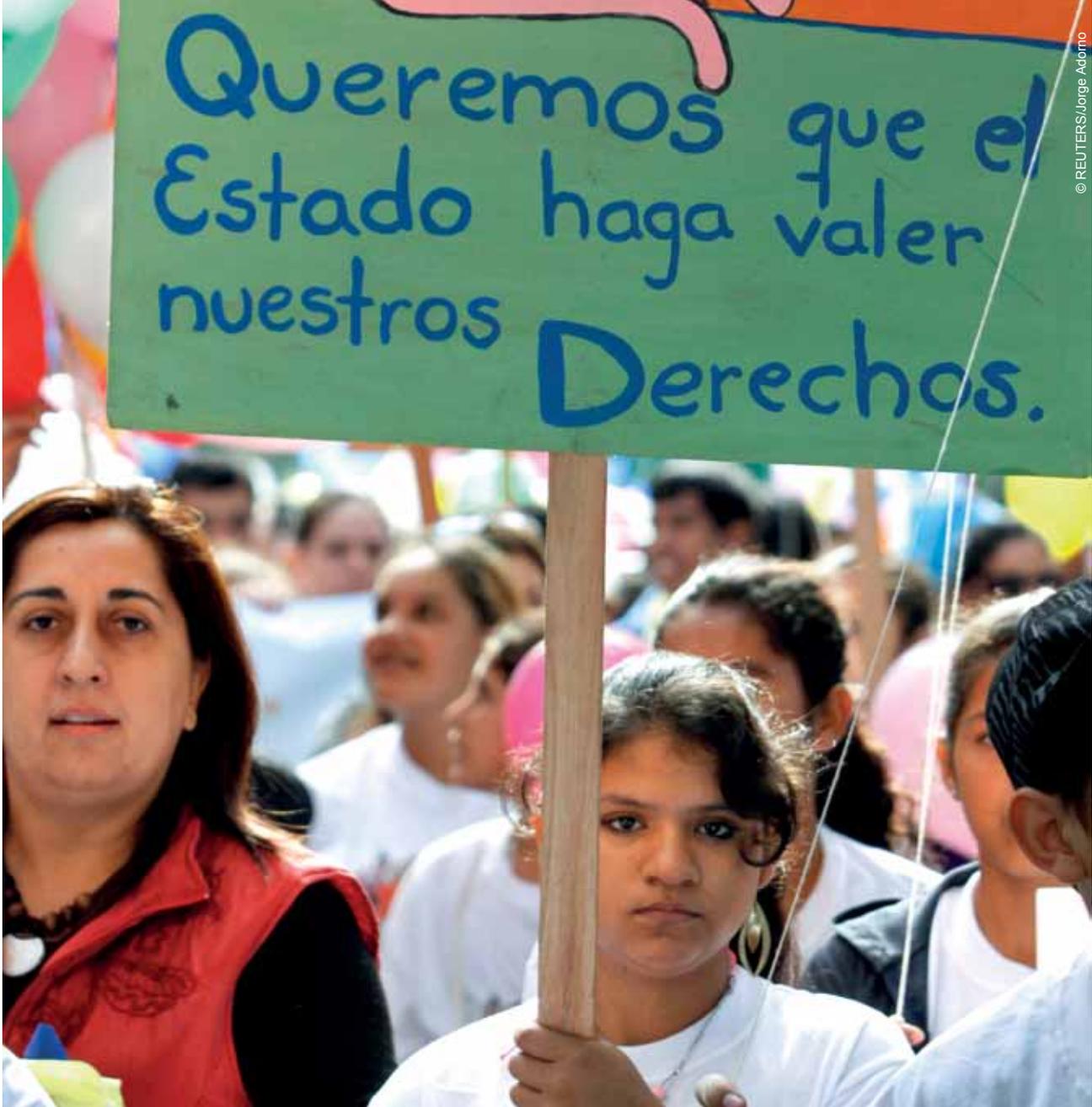
OHCHR employed a Legal Advocacy Officer whose role it is to work with lawyers in pursuing emblematic human rights cases (strategic litigation) as well as to support lawyers defending their clients with arguments based on national and international human rights law.

In late 2011, a female garment factory worker (S.R.) was convicted under the human trafficking law because of her same-sex relationship with a teenage fellow factory worker. S.R. assumed her girlfriend to be at least 15 years old (the age of consent) because of her employment, however, she was in fact under 15 at the time, having used someone else's birth certificate to gain employment in the factory. The prosecution was pursued at the request of the girlfriend's family, who disapproved of the relationship. S.R. was sentenced to five years prison after a trial with fair trial rights concerns.

OHCHR's Legal Advocacy Officer supported S.R.'s appeal against her conviction, engaging a lawyer and providing expert legal support to the lawyer, including arguments based on article 14 of ICCPR and General Comment No. 32 of the Human Rights Committee. OHCHR and the lawyer successfully sought an expedited hearing by the Court of Appeal. During the hearing on 12 December 2012, the Court recognized the existence of a same-sex relationship. On 31 December 2012, the Court of Appeal overturned the first instance decision, dropped the charges against S.R. and ordered her immediate release.

Human rights defense lawyers in Kyrgyzstan

One-month strategic litigation internships were organized by OHCHR for lawyers in Kyrgyzstan to work with leading NGOs in Russia. The participating lawyers were selected as being among the most qualified and motivated in defending victims of serious human rights violations. The internships allowed Kyrgyz lawyers to benefit from the experience of their Russian colleagues in defending victims of torture, ill treatment and arbitrary arrest. Upon their return, these lawyers proved to be better equipped to draft individual petitions to the Human Right Committee which improved the quality of their defence strategy at the national level. OHCHR also provided professional mentoring and practical training to the lawyers.



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Women and children taking part in a march in Asuncion, Paraguay, to demand the protection of their rights. The placard reads, “We want the government to value our rights.”

Responsiveness of the international community and the United Nations system (EA 10)

Increased responsiveness of international entities, including the International Criminal Court, international tribunals, the Human Rights Council and UN human rights mechanisms to combat impunity in critical human rights situations

OHCHR, together with other relevant entities, contributed to ensuring that the *Declaration on the rule of law at national and international levels*, adopted by the General Assembly on 24 September 2012 at the High-level Meeting on the Rule of Law, included numerous reaffirmations by Member States of their commitments related to human rights and various components of the rule of law. This was a unique occasion for Member States to make individual pledges, including regarding issues such as

the independence of the judicial system, equal access to justice and transitional justice and impunity.

The High Commissioner continued to advocate globally, through a continuous output of public statements, speeches and opinion articles, on the need to investigate human rights violations, ensure the accountability of those responsible and provide reparations to victims. In addition, the High Commissioner continued to engage with Member States during sessions of the Human Rights Council, while on mission to 10 countries (including Algeria, Barbados, Guatemala, Indonesia, Kazakhstan, Kyrgyzstan, the Netherlands, Pakistan, South Sudan and Zimbabwe), and during high-level bilateral meetings in Geneva and New York, to advance the responsiveness of the international community on accountability situations. The High Commissioner also contributed to increasing the prominence of human rights and accountability aspects of crises

through her interventions at the Security Council on the situations in Libya, Sudan and South Sudan, Syria and the State of Palestine.

Throughout the year, the Office continued to provide methodological advice to commissions of inquiry and fact-finding missions, set up by the Human Rights Council, including to the Syria Commission of Inquiry and the Fact-Finding Mission on the Israeli Settlements in the Occupied Palestinian Territory, which led to an increased coherence in approaches and methodologies. Lessons learned exercises were conducted following the Commission of Inquiry on Libya and the second phase of the Commission of Inquiry on Syria. OHCHR also led an internal review of commissions of inquiry and fact-finding missions which will enhance their effectiveness and OHCHR's ability to support the work of these investigative bodies.

Advocacy work undertaken in relation to the universal abolition of the death penalty continued in 2012. In preparation for the adoption of resolution A/67/44 by the General Assembly in December, which calls for a global moratorium on the death penalty, the Office organized a Global Panel event in New York. The event resulted in greater awareness of the human rights deficits of implementing the death penalty and possible strategies for transitioning to abolition or the application of a moratorium.

OHCHR also continued to raise the awareness of Member States regarding due process and the right to fair trial in the context of counter-terrorism and promoted progress at the national level through a series of recommendations on the protection of human rights while countering terrorism. For this purpose, OHCHR organized, in collaboration with the UN Counter-Terrorism Implementation Task Force, two regional expert symposia for stakeholders from the MENA region and Europe.

With a view to ensuring better protection for the human rights of those who are deprived of their liberty, OHCHR continued to participate in the UNODC-led process to revise the Standard Minimum Rules for the Treatment of Prisoners, including by providing information on relevant human rights standards and jurisprudence.

Challenges and lessons learned

During 2012, OHCHR continued to actively contribute to the ongoing efforts of the UN system to enhance the rule of law and combat impunity. Bearing in mind ongoing demands arising out of developments in North Africa and the Middle East, as well as in other regions in the world, more efforts and resources are needed to ensure that OHCHR can effectively respond to the many human rights challenges being faced. For instance, many challenges remain in regard to the adequate resourcing of investigative bodies and the establishment of fast-track procedures for the recruitment of staff that supports such investigations.

Strategic efforts should be made to address these challenges. In particular, OHCHR needs to advocate more visibly and effectively for the mandatory inclusion of commitments to combat impunity and the promotion and protection of human rights in peace mediations, negotiations and agreements. The *Declaration on the rule of law at national and international levels* adopted by the General Assembly in September 2012 constitutes a good advocacy tool in this regard, which will require adequate follow-up to ensure implementation of individual pledges made by Member States.

Much more remains to be done at the national level, including securing clear political commitments from States to counter impunity and ensuring their implementation through effective legislation and policies. OHCHR's advocacy work will therefore need to be strengthened and its capacity must be increased in order to respond to calls for technical assistance and the provision of expert legal advice.

OHCHR's leadership role in enhancing accountability for violations, fostering transitional justice measures and supporting institution-building has greatly benefited from its partnership with other organizations within the UN system. OHCHR is strongly committed to a coordinated, coherent and responsive approach to the rule of law and accountability in order to strengthen the delivery of assistance and underline the broader human rights message.

Poverty and economic, social and cultural rights

Pursuing economic, social and cultural rights and combating inequalities and poverty, including in the context of the economic, food and climate crises

Background

The year 2012 presented many challenges and opportunities with respect to the promotion and protection of human rights. The Arab uprising, global financial crisis and rising inequalities within and between countries fuelled a powerful global social movement for human rights. The fallout from the financial crisis continues to be acute in many countries in both the South and North, the poorest of which are often the hardest hit. Austerity measures had serious implications for the enjoyment of economic and social rights through the rolling back of social safety nets. Human rights demands are universal, urgent and insistent and are featuring strongly in international debates on the form and content of the post-2015 global development agenda.

The fallacy that development outcomes can be achieved and sustained without due consideration for human rights has been clearly exposed. The Universal Declaration of Human Rights and international human rights treaties are founded on fundamental values and principles of human dignity and freedom and require States to uphold universal standards at all times, including the obligation to respect, protect and fulfil economic, social and cultural rights (ESCR). The 2000 Millennium



Declaration placed human rights commitments and development goals at the centre of the international agenda. This unified vision of human rights and development was reinforced at the 2005 World Summit, the 2010 High-level Plenary Meeting on the Millennium Development Goals (MDGs) and the 2012 Conference on Sustainable Development (Rio +20 Summit).

With the 2015 end-date of the MDGs fast approaching, the Secretary-General launched an extensive global consultative process to prepare the post-2015 development agenda. A High-level Panel of Eminent Persons on the post-2015 agenda was appointed by the Secretary-General in June 2012 and an Open Working Group on Sustainable Development Goals, composed of Member States, was established following the Rio +20 Summit. In order to support these two bodies and provide substantive inputs to their work, the Secretary-General established a UN System Task Team on the Post-2015 Development Agenda and tasked the United Nations Development Group (UNDG) to carry out a wide range of thematic and country-level consultations on key issues, lessons learned and recommendations that should inform the deliberations of Member States.

OHCHR's role

Undertaking legal analysis and applied research, developing practical and methodological tools and learning packages, as well as providing substantive guidance and technical advice lie at the core of OHCHR's work and mandate. OHCHR supports Member States, human rights and development practitioners at the international and national levels as well as UN partners, including through capacity-strengthening activities and by sharing knowledge and expertise on ESCR and a human rights-based approach to development.

OHCHR endeavours to integrate all human rights, including the right to development, and their gender dimensions, in international cooperation and national development policies and economic and social programmes. OHCHR leads UN system-wide efforts to mainstream human rights in the UN's development policies and programmes. OHCHR also strives to ensure that the post-2015 development vision will be a global, comprehensive and balanced framework that universally applies to all and is aligned with and grounded in all civil, cultural, economic, political and social rights, as

well as the principles of equality, accountability and participation.

As part of its effort to promote the full implementation of economic, social and cultural rights, the Office continues to provide dedicated support to the Committee on Economic, Social and Cultural Rights (CESCR), tasked to review the national-level implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol, as well as to other treaty monitoring bodies and special procedures of the Human Rights Council.

The following key results were achieved by the Office in 2012.

National laws, policies and institutions (EA 1)

OHCHR continued to provide technical assistance to governments, civil society and other national stakeholders, at their request, in order to make the necessary changes to national legislation and policies to realize ESCR and integrate human rights standards and principles in national development policies, plans and budget processes. OHCHR's substantive research, technical advice and practical learning tools have helped raise awareness and build the capacities of national actors to align national policies and programmes with human rights standards.

Increased integration of human rights standards and principles in national development plans, poverty reduction strategies, public budgets and laws and policies governing development cooperation, trade, finance, investment and business activities

In Ecuador, as a result of OHCHR's technical support, 120 public planning officials increased their knowledge and skills to integrate a human rights perspective in the formulation of public policies. A set of national *Guidelines to formulate sector specific public policies* was revised and will serve as the main tool for the National Secretariat for Development and Planning (SENPLADES) to integrate human rights in development planning. The tool will strengthen the capacity of SENPLADES officials to provide technical assistance to line ministries on sectoral public policies. In addition, effective support was provided to SENPLADES in the application of OHCHR's human rights indicators framework when developing structural indicators for all human rights, in line with key Universal Periodic Review (UPR) recommendations.



The Mayor of Mexico City presents a publication on fair trial indicators developed with the support of OHCHR, May 2012.

Important strides were undertaken to integrate human rights within national poverty reduction strategies. In Niger, OHCHR collaborated with the Ministry of Justice and the UN Country Team (UNCT) to include human rights and gender perspectives in the National Economic and Social Development Programme for 2013-2015. In Haiti, an advocacy tool was developed with specific recommendations on how to integrate the protection of human rights in return and relocation programmes for internally displaced persons, including with respect to vulnerability criteria for the selection of camps for return and relocation. To this end, OHCHR provided substantive capacity-building support to and partnered with the Government and members of the Protection Cluster.

In relation to human rights indicators, many Member States and human rights defenders, including in Bolivia, Mexico, Paraguay, the Philippines and Togo, increasingly applied OHCHR's conceptual and methodological framework in the development of indicators. In Paraguay, for instance, a total of 71 indicators on the right to health, disaggregated by age, sex, ethnic group, location, disability and people living with HIV, were developed under the leadership of the Executive Human Rights Network, the Ministry of Health and the Department of Statistics, Census and Surveys, with the guidance of OHCHR and other UN agencies. Indicators developed in these countries will further contribute to the development of rights-based policies, help assess the compliance of national policies with international human rights treaties and provide empirical information to human rights advocates. OHCHR's new flagship publication entitled *Human Rights Indicators: A Guide to Measurement and Implementation* significantly contributed to this progress.

OHCHR extensively reached out to and engaged with governments, businesses and private sector actors, civil society and UNCTs on implementing the *Guiding Principles on Business and Human Rights*. In Papua New Guinea, a multi-stakeholder Human Rights Forum, chaired by the Department of Justice, established a technical working group on business and human rights to explore ways of implementing the Guiding Principles. OHCHR also engaged with relevant regional institutions, including the European Union, OECD, the Council of Europe and the Pan-African Conference, on the implementation of the Guiding Principles. OHCHR briefed the Council of Europe Steering Committee on Human Rights on the Guiding Principles and their possible application within the context of the Council of Europe. This briefing informed a subsequent study undertaken by the Council of Europe on *Corporate Social Responsibility in the Field of Human Rights* (CDDH(2012)017). In January 2013, the Council of Europe's Committee of Ministers took note of the study and committed to elaborating a declaration supporting the Guiding Principles as well as a soft-law instrument on implementation of the Guiding Principles.

Increased compliance of national laws, policies and programmes with international norms and standards on economic, social and cultural rights

As a result of a regional seminar organized by OHCHR in Bujumbura in April 2012, a total of 35 representatives from national human rights institutions (NHRIs) in the Central African region increased their knowledge and capacities on a wide range of topics related to ESCR. This important initiative enabled NHRIs to influence laws and policies in their respective countries and undertake effective monitoring of ESCR in their work as they do for civil and political rights. Similarly, in June 2012, further to an OHCHR workshop, the knowledge and capacity of NHRIs from Djibouti, Ethiopia and Tanzania to monitor ESCR was strengthened.

In the Central Asia region, OHCHR's work on the right to housing yielded tangible results. In Kazakhstan, the Ministry of Labour and Social Welfare developed an action plan to implement the concluding observations of the Committee on Economic, Social and Cultural Rights (CESCR) while the Agency of Construction and Utilities developed a plan to implement the recommendations made by the Special Rapporteur on adequate housing. In Kyrgyzstan, as a result of public hearings organized by OHCHR in the Parliament, which included government bodies, experts, civil society and international organizations, the draft Housing Code integrated many aspects of the right to adequate housing.

With respect to the right to enjoy just and favourable conditions of work in Guatemala, OHCHR carried out an assessment of the major obstacles and challenges faced by the Labour Inspectorate at the local level to protect the rights of agricultural workers. The assessment was shared with senior government officials. As a result, the Ministry of Labour strengthened the capacity of the General Labour Inspectorate by hiring 100 inspectors. Furthermore, to contribute to the increased number and quality of rural inspections carried out by the inspectors, OHCHR and the General Labour Inspectorate developed a protocol to monitor the labour rights of land workers which is expected to be adopted in 2013.

Increased protection by national judicial, quasi-judicial and administrative mechanisms of redress against violations of economic, social and cultural rights

OHCHR promoted discussions on the availability and effectiveness of domestic legal remedies in cases of ESCR violations with a view to encouraging the ratification of the Optional Protocol to the ICESCR. To this end, events were organized in the Dominican Republic, Mexico, Panama, Republic of Moldova, Senegal, Spain and Uruguay with the participation of civil society organizations, national human rights institutions, lawyers, judges and academic institutions.

In October 2012, the Parliament of the Island of Jersey adopted the *Debt Relief Law (Developing Countries)*, which bans “vulture funds” from using its courts to sue the world’s poorest countries for historic debts. This was a result of the submission

made by the Independent Expert on foreign debt and human rights to lawmakers, which called on the Island of Jersey to follow the example of the United Kingdom.

Responsiveness of the international community (EA 10)

Increased integration of key human rights issues in global, regional and national responses to development, economic, food and climate crises and other challenges, including in the formulation of the post-2015 development agenda

In the lead-up to the June 2012 Rio+20 Conference, OHCHR encouraged all UN Member States to support the full integration of human rights into the Rio process. As a result of this effort and the active participation of OHCHR in the conference, the Rio+20 outcome document, *The Future We Want*, had a strong focus on reducing inequalities, fostering inclusion and achieving justice in accordance with international human rights standards. The outcome document also emphasized the need to respect, protect and promote human rights and fundamental freedoms without discrimination.

To ensure that human rights are further reflected in the post-2015 debates within and outside the UN system, OHCHR produced a Think Piece on Human Rights and Post-2015 Agenda entitled *Towards Freedom from Fear and Want*. This substantively contributed to the work of the Secretary-General’s UN System Task Team on the Post-2015 Agenda which recommended in its June 2012 report *Realizing the Future We Want for All* the identification of human rights as one of three fundamental principles for the post-2015 agenda (along with equality and sustainability).

OHCHR also continued to actively support the United Nations Development Group (UNDG)-led global thematic and national consultations on the post-2015 agenda. Since mid-2012, OHCHR and UNDP have co-led the UNDG global thematic consultations on governance and accountability and are scheduled to report in March 2013. In addition to global online consultations on governance and accountability, OHCHR supported a number of regional events organized by UN agencies in Africa, Latin America, the Middle East and South-East Asia to ensure the prominence of a human rights perspective. By way of example, the Declarations adopted during the Manila and Dhaka regional meetings on the post-2015 development agenda, organized by the UN Millennium Campaign, strongly



Cambodian people, who live in squatter areas in Phnom Penh, gather to celebrate Human Rights Day and call for the end of forced evictions.



UN Secretary-General Ban Ki-moon greets the High Commissioner at the UN Conference on Sustainable Development, dubbed Rio+20, June 2012.

reaffirmed human rights standards and principles. These Declarations attracted broad support from participating Member States, civil society and other human rights actors at regional and national levels. OHCHR further served as an active member on the Advisory Group for the UNDG global thematic consultations on inequalities and extensively contributed to the thematic consultations on health, food and water.

In support of its political mobilization and UN Inter-agency advocacy strategies, OHCHR partnered with the Centre on Economic and Social Rights to complete a two-year programme of research and expert consultations on accountability mechanisms for the post-2015 framework which culminated in a joint flagship publication entitled *Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda*. To complement this effort, OHCHR and UNDP organized an expert consultation in November 2012 on criteria and measurement proposals for governance and human rights in the post-2015 agenda. This expert consultation attracted a leading group of human rights, development and measurement specialists, including representatives of national statistical offices.

The meeting generated a range of concrete proposals on how to integrate human rights evaluation and monitoring criteria into a post-2015 global monitoring framework. OHCHR's indicators framework was accepted as an important source of guidance on indicator selection. It also informed the work of the WHO/UNICEF Joint Monitoring Programme's Working Group on Equality and Non-Discrimination in relation to Water, Sanitation and Hygiene in the identification of possible water and sanitation targets and indicators for a post-2015 agenda.

The year 2012 saw the completion of two years of intensive and collaborative work on a book entitled *Realizing the Right to Development: Essays in Commemoration of 25 years of the United Nations Declaration on the Right to Development*. This book brings together in-depth, analytical studies undertaken by more than 30 international experts which address the context, meaning and application of this right. The book also reaffirms the relevance, added value and transformative potential of the right to development to shape both human rights and development policy and practice and makes the case for its widespread use in the quest

for sustainable development and the post-2015 development agenda.

In 2012, the Social Forum of the Human Rights Council brought together over 30 experts and activists from around the world to discuss the theme of *People-Centred Development and Globalization*. The meeting concluded with several action-oriented recommendations, including with regard to democratic governance, participation and social movements, financing for development, the global partnership for development and sustainable development. Participants called for a development paradigm based on the principles of human rights, including the right to development, equality, sustainability and solidarity and made specific recommendations in the context of globalization and improved governance, including at the global level.

In May 2012, the Committee on World Food Security, the main international and intergovernmental platform for food security and nutrition, adopted the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. The Guidelines are the first international

guidance on the governance of land tenure adopted through intergovernmental negotiations, with the participation of civil society and the private sector. OHCHR provided technical support throughout the intergovernmental negotiations to ensure the Guidelines were consistent with international human rights law.

The UN Special Rapporteurs on the right to food and on extreme poverty made a joint proposal to establish a Global Fund for Social Protection that attracted considerable interest from a range of partners, including the International Labour Organization. The proposal was presented to the 39th session of the Committee on World Food Security in October 2012, prompting the Committee to endorse specific recommendations on “the role of international cooperation in reinforcing national actions to implement sustainable social protection programmes and systems.” The Committee also declared that “social protection programmes for food security and nutrition should be guided by human rights norms and standards.”

The Special Rapporteur on the right to food organized, jointly with OHCHR and the Food

Human rights in the Rio+20 outcome document

The United Nations Member States gathered at Rio de Janeiro, Brazil, in June 2012, for the Rio+20 United Nations Conference on Sustainable Development. While the outcome document was not as ambitious as many had hoped, one of the remarkable achievements of this conference was the catalogue of human rights reaffirmations and commitments included in the outcome document, which were based on international law, the Universal Declaration of Human Rights and other international human rights instruments. OHCHR's advocacy helped to secure this result. The provisions encompassed in the outcome document included:

- The need for reducing inequalities and ensuring inclusion and justice;
- The need to respect, protect and promote all human rights and fundamental freedoms for all, without discrimination of any kind;

- Provisions on the right to development, the right to an adequate standard of living, the right to food, the right to water and sanitation, the right to health and the right to education;
- The recognition of “all human rights in the context of sexual and reproductive health,” and the right to have control over and decide freely on matters related to sexuality;
- Requirements related to labour rights, fundamental rights at work, the right to self-determination, the rights of people living under foreign occupation, gender equality and the rights and empowerment of women (while highlighting provisions of the Convention on the Elimination of All Forms of Discrimination against Women);
- Special provisions for women, indigenous peoples (referring to the UN Declaration on the

Rights of Indigenous Peoples), minorities, the human rights of all migrants (regardless of their migration status), older persons, persons with disabilities and workers;

- A call for the rule of law, democracy, good governance, accountability, empowerment, international cooperation, regulation of business and industry, including through “responsible business practices” (referring to the UN Global Compact which contains human rights requirements) and support to the implementation of the UN Guidelines on land tenure; and
- A demand for a participatory process to develop new Sustainable Development Goals that respect all Rio Principles and are consistent with international law, including, implicitly, human rights law.



© UN Photo/Albert Gonzalez Ferran

Residents of Forog, North Darfur, demand water at a meeting with the Deputy Special Representative for Political Affairs at UNAMID.

and Agriculture Organization, a second regional consultation in Nairobi on 4-5 April 2012 for countries in Eastern and Southern Africa (the first was held in 2011 in Latin America) to identify steps to strengthen laws, policies and strategies for the realization of the right to food. In addition to government and civil society experts, the consultation gathered together parliamentarians and experts from NHRIs and led to the establishment of a regional network of parliamentarians to follow up on right to food issues.

Human rights mainstreaming within the United Nations (EA 11)

Increased integration of all human rights standards and principles into UN system development policies and programmes

The mainstreaming of human rights principles and standards in UN policies, guidelines and operational tools on development programming is one of the core mandates of OHCHR, including the development of practical learning and methodological tools, strengthening UN capacities to effectively support national-level efforts to protect and promote human rights.

The UN General Assembly resolution (A/RES/67/226) on the Quadrennial Comprehensive Policy Review of UN operational activities for development acknowledged close linkages between peace and security, development and human rights. As a result of OHCHR's substantive contributions, the resolution included stronger references to a human rights-based approach (HRBA) to development and the right to development and contained two new provisions which explicitly support the UN's efforts to strengthen links between its normative (including human rights) and operational work.

At the UN Inter-agency level, OHCHR continued to chair and lead the work of the UNDG Human Rights Mainstreaming Mechanism (UNDG-HRM). The UNDG-HRM made a number of important strides in 2012 to advance policy coherence on human rights mainstreaming across the UN system and strengthen the positioning of human rights within global development agendas. In February 2012, the UNDG endorsed a new strategy for the deployment of human rights advisers (human rights experts recruited and managed by OHCHR and working in the offices of UN Resident Coordinators) which was based on the needs and perspectives expressed by Resident Coordinators and UN agencies. This system-wide strategy will strengthen human rights policy coherence and system-wide ownership of

Impact of human rights mainstreaming work at country level

“Human rights are an area relevant to all, where everyone can feel they have their own interest and mandate. It has a very unifying impact.”

UN Resident Coordinator, Republic of Moldova

The Declaration on the Right to Development, adopted by the General Assembly in 1986, laid the foundation of the UN’s human rights-based approaches to development and provided its key elements, including: putting people at the centre of development; ensuring free, active and meaningful participation; securing non-discrimination; fair distribution of development benefits; and respecting self-determination and sovereignty over natural resources; all of which must take place within a process that advances other civil, political, economic, social and cultural rights.

The UN system plays a key role in supporting programme countries, at their request, in developing their national capacities to integrate human rights in national policies and fulfil their treaty obligations. Strong national ownership and leadership are essential foundations for developing national capacity and achieving rights-based development results. The human rights-based approach adds value to development efforts of all stakeholders by promoting the free, active and meaningful participation of beneficiaries; integrating the principles of accountability, non-discrimination and equality; striving for the economic and political empowerment of rights-holders; and strengthening coherence between international human rights standards and economic and development policies and programmes.

In Tanzania, the UNCT established a human rights working group, which is chaired by the Resident Coordinator, and provides strategic analysis and advisory services to the UNCT on a range of system-wide policy issues from a human rights perspective. In preparation for the UPR, 12 UN agencies provided substantive inputs to the UNCT compilation report on a wide variety of issues. The technical expertise of the working group is strongly valued by national counterparts. The group plays an important quality assurance role with regards to the mainstreaming of human rights in national programmes and policies, such as the National Human Rights Action Plan.

By integrating human rights into development, countries can better address the root causes of development challenges. Analyzing and understanding which groups have been excluded from development progress, and why, is an important step that must be taken by countries seeking to accelerate progress towards human rights and development goals. When a HRBA to development was applied in Botswana, it highlighted the importance of addressing discrimination against people living with HIV and AIDS, refugees and people with disabilities and resulted in positive changes to the UNCT’s programming.

In Ecuador, the Government decided to apply a HRBA to its national development strategy and secured OHCHR’s assistance in developing planning tools based on human rights principles and standards. In the Republic of Moldova, with support from UNDP and UN Women, local governments applied a HRBA in the implementation of their decentralized governance

strategies, which included a gender equality perspective. This resulted in better targeting of public resources to the most vulnerable groups and enhanced public participation in decision-making, leading to more sustainable results.

These experiences of the UN system reaffirm the notion that development, peace and security and human rights are interlinked and mutually reinforcing. In order to further strengthen UN capacity and coordinate support to meet the demands of Member States, OHCHR is leading the work of a dedicated Inter-agency support mechanism, called the United Nations Development Group Human Rights Mainstreaming Mechanism (UNDG-HRM). Eighteen agencies are actively collaborating under the UNDG-HRM to strengthen coherent support to Member States through the work of UNCTs and to catalyse more effective and systematic engagement with UN human rights mechanisms.

Furthermore, the *Independent Evaluation of Delivering as One*, commissioned by the Secretary-General at the request of the General Assembly, indicated that this approach enhanced both country ownership and effective attention to cross-cutting issues, such as human rights and gender equality. In a survey conducted under the UNDG-HRM to determine the support needs of UNCTs in relation to human rights mainstreaming, UNCTs responded that a HRBA in the Delivering as One context “provides an exceptional framework for bringing together the different UN values and to take forward Inter-agency action which brings together the different UN mandates.”

human rights advisers, deployed at the request of Resident Coordinators and UNCTs. To date, a total of 27 UNCTs have requested human rights advisers – a strong indicator of country-level demand.

The UNDG-HRM also helped to strengthen the engagement of UNCTs and national partners with the UN's human rights mechanisms. For instance, the UNDG-HRM facilitated the inputs of UNCTs to the Annual Meeting of the UN Special Rapporteurs in Geneva in June 2012, which highlighted the valuable contributions UNCTs can and do make to the work of special procedures, including through supporting field visits of mandate-holders and following up on their recommendations. Moreover, an e-discussion on engaging with the UPR process consolidated over 91 contributions, including 50 from UNCTs, which underscored the many opportunities provided by the UPR process to engage with national partners on human rights. OHCHR provided substantive support to a UNDG-HRM knowledge management initiative to collect case studies and good practices on mainstreaming human rights in development practice. Over 30 case studies were submitted by UNCTs and agencies and a number of these will be included in a publication to be launched and distributed in 2013 to UN agencies and UNCTs.

Following OHCHR's mainstreaming efforts, human rights were included as a cross-cutting issue in the new UN-HABITAT organigramme and its operational activities. On the issue of gender mainstreaming, OHCHR was one of eight UN pilot agencies which led the development of common standards on gender mainstreaming – the UN System-Wide Action Plan on Gender Equality and the Empowerment of Women (SWAP). After the endorsement of the SWAP by the UN Chief Executive Board for Coordination in April 2012, OHCHR assisted other UN agencies to comply with these standards. The International Telecommunication Union was the first agency to solicit OHCHR's assistance in this regard.

At the Human Rights Council, a panel on mainstreaming has become an annual event, mandated by the outcome of the review of the Council (A/HRC/RES/16/21). The first such panel took place at the 19th session of the Council on March 2012 with the theme "mainstreaming in the area of development as well as on cooperation in human rights mainstreaming at the national level."

At the country level, OHCHR continued to support the integration of human rights and recommendations of UN human rights mechanisms in United Nations Development Assistance Frameworks (UNDAFs), UN joint programmes, humanitarian activities, as well as



Training on human rights-based approach facilitated by OHCHR in Kyiv, Ukraine, October 2012.

in a number of UNCT thematic working groups and mechanisms, in over 36 countries in all regions.¹

For example, the United Nations Economic Commission for Africa (UNECA) approved anti-corruption programmes, including significant human rights provisions. In Azerbaijan, human rights are incorporated in all main programmes of the UNCT. In Yemen, OHCHR has engaged with the UNCT to mainstream protection issues into its programmes and developed a project to strengthen the capacities of national actors to monitor and respond to human rights violations as part of the preparations for the 2013 Consolidated Appeals Project. In Togo, OHCHR has been leading the UN's efforts to integrate human rights into the UNDAF 2014-2018, the Government's Poverty Reduction Strategy Paper II (2013-2017) and their respective implementation plans. In Kenya, the Office developed Terms of Reference for 19 UN agency human rights focal points, which was adopted by the UNCT. In Bolivia, OHCHR contributed to a joint project on the right of indigenous peoples to consultation, funded by the UN Indigenous Peoples' Partnership, which has helped to bring indigenous peoples' issues to the forefront of the public agenda. In Myanmar, the Office and the UNCT initiated and co-organized the first Human Rights Day celebration in Yangon since 1998, which brought together Government ministers and opposition leader Aung San Suu Kyi. Last but not least, the Pacific Regional 2013-2017 Common

¹ Afghanistan, Angola, Armenia, Azerbaijan, Bolivia, Brazil, Burkina Faso, Cambodia, Chad, Ecuador, Georgia, Honduras, Iraq, Kenya, Kosovo, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Paraguay, Republic of Moldova, Russian Federation, Senegal, Serbia, Sierra Leone, Sri Lanka, Sudan, Tanzania, the former Yugoslav Republic of Macedonia, Togo, Ukraine and Yemen, as well as in the European Union and the Pacific region.



Image of one of the activities carried out by OHCHR in Paraguay under the awareness-raising campaign, "You're a person, you have rights."

Country Assessment and UNDAF documents included significant human rights provisions which drew extensively from the recommendations issued by the UPR and human rights treaty bodies in relation to 14 countries in the region and emphasized the need to align governance with international human rights norms and standards.

Challenges and lessons learned

In 2012, OHCHR advocated with success on development issues in intergovernmental and Inter-agency forums. OHCHR also breathed life into and helped sustain the undg-hrm in its initial year, pending the receipt of donor contributions for the undg-hrm Multi-Partner Trust Fund. However, deeply entrenched resistance to human rights positions remain in many intergovernmental and Inter-agency forums. Gains such as those outlined above need to be vigorously and consistently defended in order to become sustainable. Highlighting

the instrumental importance and empirically verifiable results of a human rights-based approach is an important part of a successful strategy without selling short the more fundamental and intrinsic importance of human rights.

The affirmation of the centrality of human rights to sustainable development at Rio+20 constitutes a welcome first step towards a more just and ambitious post-2015 development agenda, anchored in a clearer and stronger accountability framework. There is momentum and expectation within and outside the UN on the central role that human rights should play in related deliberations. UN agencies and civil society partners are already placing a high demand on OHCHR to provide human rights expertise and strengthen advocacy on key human rights issues. OHCHR will need to meet the challenge of consolidating and building upon its 2012 achievements in a climate of reduced budgetary resources. OHCHR will focus on positioning the undg-hrm to the most strategic effect as part of its response to these challenges.

“Freedom from fear and want” in the Post-2015 Development Agenda

As we approach 2015, the end-date of the Millennium Development Goals (MDGs), an ambitious new global deal is needed which is grounded in the principles of human rights, equality and sustainability. Its ultimate objective should be to realize the international human rights commitments of United Nations Member States and build upon the important human rights agreements outlined in the 2010 MDGs Review Summit and 2012 Rio+20 outcome documents. The United Nations Secretary-General’s Task Team on the Post-2015 Agenda, of which OHCHR is an active member, identified human rights as one of the three fundamental principles for the post-2015 framework, along with equality and sustainability.

The formulation and implementation of the MDGs have fallen short on a number of important fronts. These include: an unbalanced development framework; poor specification of the global goals, targets and indicators; inappropriate adaptation of global goals to the national level; non-participatory

processes; weak accountability for both process and outcomes; and the failure to address discrimination and increasing inequalities. Neither the content nor the implementation of the MDGs have been explicitly aligned with international human rights standards and principles. In March 2010, the Secretary-General concluded that *“shortfalls have occurred not because the goals are unreachable, or because time is too short. We are off course because of unmet commitments, inadequate resources and a lack of focus and accountability.”*

Human rights are solemn legal obligations of Member States, inalienable entitlements of people everywhere, and must be a cornerstone for any new development framework. Human rights demands are being voiced strongly and consistently in post-2015 consultations at global and national levels. The post-2015 development agenda must not repeat the MDG’s shortcomings and must: (1) be a global, comprehensive and balanced agenda that applies to all

universally; (2) give a true meaning to *‘freedom from fear and want’* and be aligned with and grounded in all *civil, cultural, economic, political and social rights*; (3) address *pervasive inequalities*, collect both quantitative and qualitative data and dismantle discrimination; (4) be built on strong *accountability* mechanisms, which strengthen political commitments and improve incentives for fair delivery; (5) ensure people can *participate* in decisions that affect them, without fear of repression; and (6) ensure that *policies across different sectors are coherent* at the national and international levels with human rights standards and principles as the yardstick.

OHCHR will continue its research and advocacy efforts, in partnership with Member States, the UN and civil society actors, to ensure that these strategic priorities are prominently reflected within consultations and preparations undertaken in relation to the post-2015 development agenda.

Migration

Protecting human rights in the context of migration

Background

Migration is a policy issue that has steadily taken on greater prominence on the global political agenda. In 2013, the UN's General Assembly will hold the second High-level Dialogue on International Migration and Development, during which Member States will discuss measures to enhance the benefits and reduce the costs of international migration.

OHCHR's message in 2012 was that migration is more than a simple economic or political phenomenon. It is rather an increasingly complex, and at times precarious, movement of more than 214 million people. At its heart, migration is about human beings. And while many migrants are able to live and work safely and in dignity in their host countries, millions are less fortunate.

As the global financial crisis continued, measures were taken that impacted on the rights of the most vulnerable migrants, including austerity measures that discriminated against migrant workers; xenophobic rhetoric that encouraged violence against irregular migrants; and immigration enforcement laws that allowed the police to profile migrants with impunity. An increasingly powerful message of xenophobia permeated both fringe and mainstream political movements in many countries and resulted in a climate of exclusion of, heightened anxiety about, and rising violence against migrants, frequently fuelled by government policies and practices.

The current debate on migration is perhaps more relevant and urgent than at any time in the recent past. As human mobility becomes more complex, and the journeys taken by many migrants more perilous, it is imperative that national, regional and international policy responses to migration are premised on human rights principles. In the lead-up to the 2013 High-level Dialogue on International Migration and Development, OHCHR called on Member States and other stakeholders to hold principled, practical and creative discussions to ensure the protection of the rights of all migrants, wherever they are and whatever their status.





A little girl looks on at a Roma camp, east of Paris, France.

OHCHR's role

OHCHR promotes the integration of human rights norms and standards in all aspects of migration policy at the national, regional and international levels. While several UN and other international agencies have a mandate to work on migration-related issues, many lack an explicit human rights focus to their activities. The Office advocates for a human rights-based approach to migration and the need to ground migration policymaking in the international legal framework, calling on Member States to respect the internationally guaranteed human rights of all migrants, protect them against abuse and fulfil the rights that are necessary for migrants to enjoy a safe and dignified life.

To address this issue, OHCHR developed capacity-strengthening tools, such as learning packages and information materials on key issues; conducted research and consultation with a wide variety of stakeholders on migration and highlighted the central advocacy issues at the national, regional and international levels. Through its field presences, OHCHR also increasingly engaged in migration-related human rights work through the promotion of the core international human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), as well as training activities, advocacy, technical advice,

monitoring and protection and other initiatives. In addition, OHCHR continued to support the Committee on Migrant Workers, which oversees the implementation of the ICRMW, and the Special Rapporteur on the human rights of migrants.

Distinct but complementary to its work on migration, OHCHR made progress in 2012 in advancing a human rights-based approach to trafficking, including through technical support and capacity-strengthening and by supporting the Special Rapporteur on trafficking in persons, especially women and children.

The following are some key results OHCHR achieved in relation to its work on migration in 2012.

National laws, policies and institutions (EA 1)

Increased compliance with international human rights standards of national laws, policies and administrative regulations relevant to migration

At the international level, OHCHR actively promoted the integration of human rights standards in migration policies. In March 2012, OHCHR held an expert meeting on the subject of *Human Rights at International Borders: Exploring Gaps in Policy and Practice*, which was attended by experts from governments, international and regional organizations, civil society and academia.



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Irregular migrants adrift south of Malta are rescued by Armed Forces of Malta personnel.

In a background paper prepared for the meeting, OHCHR identified borders as a site of significant human rights violations against migrants, including arbitrary detention, which are perpetrated by State and non-State actors. Informal summary conclusions of the meeting called on the Office to develop Principles and Guidelines on the issue of human rights at borders. OHCHR began drawing up this Guidance in 2013.

In May 2012, the High Commissioner publicly welcomed the February 2012 decision of the European Court of Human Rights in the case of *Hirsi Jamaa and others v. Italy*. The decision reaffirmed the human rights of all migrants, particularly in the context of collective expulsions, thereby picking up on an argument put forward by OHCHR in a legal brief it submitted to the Court in May 2011 as an intervening party.

At the regional level, OHCHR provided technical assistance to the European Agency for the Management of Operational Cooperation at the External Borders of Member States of the European Union (FRONTEX) in developing human rights training materials for border guards, which contributed to an increased awareness of guards on the human rights-based approach to migration. The Office also supported the Special Rapporteur on the human rights of migrants in his engagement with the European Union (EU) while carrying out a year-long study on the management of the external borders of the EU and its impact on the human rights of migrants. In this context, the Special Rapporteur undertook a mission to the EU institutions in Brussels and country visits to Greece, Italy, Tunisia and Turkey. The Special Rapporteur will present a thematic report on this issue to the Human Rights Council's 23rd session in 2013, which is intended to provide practical guidance to EU institutions and Member States on integrating the human rights of migrants in their migration policies and practices.

Also in Europe, OHCHR launched a study in 2012 following a Judicial Colloquium organized by the Regional Office for Europe in 2011 on the implementation of article 3 of the Convention on the Rights of the Child, focusing on the case of migrant children, including unaccompanied and separated children. The launch of the study took the form of a discussion during a plenary session of the Committee on Civil Liberties of the European Parliament (LIBE); the parliamentary committee tasked with discussing human rights issues within the EU. The study will serve as a key advocacy tool and its dissemination in LIBE has already contributed to an increased awareness and understanding of the notion of the

best interests of the child and its interpretation by national courts.

At the country level, OHCHR assisted governments, national human rights institutions (NHRIs) and civil society to draft and revise relevant legislation in line with international standards on the human rights of migrants. For instance, while the development of a specific law on migrant domestic workers was hindered by changes in the leadership of the Lebanese Ministry of Labour, the Regional Office for the Middle East contributed to the development of a Code of Conduct for recruiting agencies working with migrant domestic workers in Lebanon. The support provided to the drafting of the Code of Conduct represents another major step in the Regional Office's efforts to enhance the level of compliance of policies and procedures with international human rights standards. In addition, through a number of awareness-raising activities, the knowledge of recruiting agencies regarding international human rights standards and the provisions of the endorsed Code of Conduct was enhanced.

In Guatemala, the Office continued to provide technical assistance and advice to Congress through various commissions to ensure the compliance of initiatives and legal reforms with international standards. The Office worked closely with the Commission on Migrants, relevant authorities and civil society on reforms to the Law on Migration. The views expressed by the Office were incorporated in the draft, which correspond to the recommendations issued by the Special Rapporteur on the human rights of migrants and the Committee on the Protection of Migrant Workers and Members of Their Families. The legislation now includes fundamental human rights principles and moves away from an approach based purely on national security and border control.

Through a variety of activities, the Office built the capacity of stakeholders at the national level to implement a human rights-based approach to migration, raise awareness about migrants' rights issues and foster partnerships. In Mexico, for instance, OHCHR designed and implemented a project on the *Impact Evaluation of the Human Rights Training of Government Officials from the National Institute for Migration Institute*. The Institute responded positively towards recommendations made by OHCHR regarding its human rights education policies and indicators for measuring the impact of human rights training activities. Consequently, the National Institute of Migration and OHCHR co-published a *Guide for Civil Servants on the Human Rights of Migrants*.

Trafficking in persons

The FRONTEX *Trainers' Manual on Anti-Trafficking Training for Border Guards* was finalized in 2012. OHCHR, through its Regional Office for Europe, contributed to its compilation by ensuring a human rights-based approach was reflected in the manual. Through OHCHR's trainings and awareness-raising activities, knowledge was increased among border guards on applying a human rights-based approach to combat and prevent trafficking in persons.

In Senegal, the Office contributed to the revitalization of the National Cell on the fight against trafficking in persons, especially women and children. The Cell began to hold regular meetings, developed a communication plan and organized a number of workshops to raise awareness and train stakeholders, including from the private sector, on the problem of trafficking and the concomitant human rights violations.

To increase compliance with international human rights standards at the national level, OHCHR continued to promote the application of the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* through the organization of regional and subregional launches of the *OHCHR*

Commentary on the Recommended Principles and Guidelines which were developed in 2010. For instance, 55 participants from nine countries, including law enforcement officials from various ministries, increased their knowledge on the application of the Recommended Principles and Guidelines during a launch of the OHCHR's Commentary in Yaoundé for Central and West African countries. At the end of the event, participants evaluated the Commentary as a useful tool for application in their daily work.

Responsiveness of the international community (EA 10)

International community increasingly responsive to migrants' rights

The Office continued its efforts to raise awareness about a human rights-based approach to migration at the international level, including through advocacy undertaken by the High Commissioner at the Human Rights Council, during official missions and in other relevant fora.

Advocacy efforts undertaken by OHCHR within the context of the Rio+20 negotiations process led to the inclusion of a strong reference to the human rights of migrants, regardless of their status, within the Rio+20



Female sex workers participate in the 15th National Encounter of the Mexican Net of Sex Work, June 2012. Participants analysed issues such as human rights and the laws to prevent, punish and eliminate human trafficking, as well as help that is available for victims of this crime.

outcome document. In addition, advocacy undertaken by OHCHR for the inclusion of the human rights of migrants within various thematic consultations related to the post-2015 development agenda, including the Inequalities and the Population Dynamics consultations, led to more holistic and norm-based references to migration and human rights.

OHCHR provided substantive technical assistance to various roundtables held at the sixth Global Forum on Migration and Development (GFMD) in Mauritius in November 2012. In particular, OHCHR ensured the inclusion of a human rights focus in background documentation and discussions held in the context of roundtable session 3.1 (Improving Public Perceptions of Migrants and Migration) and session 3.2 (Migrant Protection as Integral to Migration Management). OHCHR also held a side event on *Public Perceptions, Migration and Human Rights* and produced a short brochure on the theme which was distributed to participants and contributed to their increased understanding of the links between public perceptions of migration, xenophobia and human rights.

Human rights mainstreaming within the United Nations (EA 11)

Increased integration of human rights standards and principles related to migration into the work of international and regional processes on migration

OHCHR continued its efforts at the international level to ensure a human rights perspective in the global debate on migration. The Office remained an active member of the Inter-Agency Global Migration Group (GMG) in 2012 and promoted and mainstreamed a human rights approach to migration within the United Nations system.

On 18 December 2012, the Secretary-General's Policy Committee held a discussion on *International Migration* which was jointly led by OHCHR and the Department of Economic and Social Affairs. Following this discussion, the Policy Committee endorsed a set of key human rights-based messages on migration and decided that OHCHR would lead the preparation in 2013 (in consultation with the GMG and other entities within the UN system) of a concise analytical report on *Migration and human rights*. The report will consider how attention to the rights of migrants can be strengthened within the governance framework of migration at the international level and will aim to focus attention on this issue within the upcoming High-level Dialogue on Migration and Development in 2013 and in the context of the post-2015 development agenda.



OHCHR remained an active member of the GMG and played a central role in the GMG internal review process in 2012. Through its input, OHCHR attempted to enhance and strengthen Inter-agency coordination of migration and bolster the GMG's mandate to promote the wider application of all relevant instruments and norms relating to migration. As a result, the Inter-agency body paid more attention to the human rights framework. For instance, one of the decisions made in the GMG Principals meeting in 2012 was that the GMG should consider the establishment of a Working Group on Migration, Gender and Human Rights, with OHCHR serving as the co-Chair. OHCHR also provided detailed input to and mainstreamed human rights within a set of draft outcomes and recommendations on migration which are being prepared by the UN system in preparation for the 2013 High-level Dialogue on Migration and Development.



Somali refugees board a bus that will take them to a transit centre in Dollo Ado, close to the Ethiopia-Somalia border.



A Roma girl arriving at Bucharest airport, August 2012.

Trafficking in persons

As a member of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), OHCHR was successful in mainstreaming a human rights-based approach into the joint policy papers developed by the ICAT. The first paper focused on the intersection between international and national legal regimes to combat trafficking and the rights-based approach was presented as an essential component of the legal framework to combat trafficking in persons.

Challenges and lessons learned

In 2012, migration remained a contested issue in a crowded Inter-agency and intergovernmental field. While some important advances were made in ensuring norm-based discussions on migration at key international events, more work needs to be done to ensure that the human rights framework is broadly recognized as the fundamental framework for a coherent, comprehensive and sustainable global discussion of migration.

At the intergovernmental level, there are few processes (including the bilateral, regional and

international levels) in which the human rights framework on migration is given more than cursory attention. To date, there is no comprehensive global system or framework for debating and managing migration and human rights at the international level and there is little global consensus on how to address the complex dynamics of international migration. As the complexity of human mobility increases and traditional distinctions between voluntary and forced migration become less clear, it is essential to address the rights of all migrants, regardless of their legal status, in a holistic way.

The ICRMW remains the least ratified instrument of all the core international human rights instruments and States continue to be reluctant to recognize that the protection of universal human rights norms apply equally to all migrants. The Global Forum on Migration and Development, as a voluntary, non-binding and State-led process, has been traditionally hesitant to undertake a normative discussion of migration and is not inclined to commit States to concrete action with regard to human rights issues. At the Inter-agency level, challenges primarily derive from a lack of robust coordination and coherence on migration and human rights issues, coupled with some degree of competition between agencies for access to and space within the limited international and regional institutional structures on migration.

Hear our voices - children in immigration detention

Amin Senatorzade, a former child migrant from Afghanistan, left his homeland for Turkey and found himself detained in Turkey, Greece, and Norway. At 16, Afghan-born Gholam Hassanpour migrated alone to Greece from Iran and was placed in detention. Mariane Quintao, a former child migrant from Brazil, spent three weeks in detention in the United States.

According to the International Detention Coalition (IDC), more governments are using detention as a measure against irregular migration. This results in thousands of migrant children being imprisoned or held in detention centres, some for long periods of time. In addition to the violation of their rights due to undue detention, many of them are held without their parents present, leaving them particularly vulnerable to physical, sexual and psychological abuse.

The IDC was able to provide six children with a unique platform to share their personal experiences in detention during a side event, "Hear Our Voices - Children in Immigration Detention." The event was held during the Committee on the Rights of the Child's annual Day of General Discussion (DGD) on the Rights of All Children in the Context of International Migration held at the Palais des Nations in Geneva in the Fall.

Six formerly detained children shared their stories by performing a play called *Always Behind My Back*.

The presentation was produced during a one-week workshop during which the group collaborated on art projects, shared their stories, and participated in creating the key messages for the theatre presentation.

"The art was used to tell the often very traumatic stories because it allows for a measure of emotional distance and limits re-traumatization," said Glynis Clacherty, the IDC's child participation facilitator and researcher. Clacherty explained that the stories were recorded and used for creating the script in order to fully capture their experiences in detention.

"I was on the boat with 70 people," said 15-year-old Bashir Youseidei, who was detained for seven months in Australia, having migrated from Afghanistan. "We didn't have any food and any water for seven days. I was excited to arrive when I got there (to Australia) to get an education. But, I got really sad when I saw the fence... It is always behind me, here - the memory."

Many of these children shared similar stories. Marianne performed an original song during the event about her detention in the United States. "They wouldn't talk to me. They wouldn't answer me, they would never say anything," she says. Gholam arrived in Greece seven years ago from Iran without his parents. He was a victim of abuse by the police who detained him. "The police took me and another boy and four men and they

beat us very hard," says Gholam. At 16, Rim Tekei Salomon spent six months in an Israeli detention camp. "My parents left Eritrea during the war in Sudan. I was born in a refugee camp."

During the DGD, UN Human Rights Special Rapporteur on the human rights of migrants, Francois Crepeau said, "States often see migration as a problem and portray migrants as potential law breakers or criminals, overlooking the fact that migration of children in particular has multi-dimensional root causes, such as the persecution of the child or the child's parents, post-conflict situations, and trafficking, including the sale of the child by its own parents."

The Committee also emphasized that article 37 of the Convention on the Rights of the Child, which also applies in migration situations and is legally binding for its 193 States Parties, explicitly states that "no child shall be deprived of his or her liberty unlawfully or arbitrarily" and the "arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."

The presentation was produced with the support of the Global Campaign to End Immigration Detention of Children - a campaign that was launched in March at the 19th session of the United Nations Human Rights Council in Geneva.

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 femicide¹ 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.

¹ 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.

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.



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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.