

OHCHR REPORT 2013



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Foreword by the High Commissioner



2013 was a landmark year for OHCHR. The 20th anniversary of the Vienna Declaration and the establishment of the High Commissioner's mandate gave us an opportunity to re-emphasize the universality, indivisibility and interdependence of human rights. It coincided with a notable development: the reaffirmation of the responsibility of the entire United Nations system to uphold human rights norms and standards, in the form of the Secretary-General's plan of action, *Rights Up Front*.

Today, OHCHR supports 58 field presences, including 13 country/stand-alone offices, 14 human rights components in peacekeeping missions and special political missions, 12 regional offices and centres, and 19 human rights advisers operating with United Nations Resident Coordinators and country teams. They provide national authorities and stakeholders with direct and targeted assistance in addressing human rights issues.

Our work in 2013 was grounded in six thematic priorities.

Discrimination

As part of our effort to counter national, racial or religious hatred, my Office helped to create a detailed body of guidance, the Rabat Plan of Action. A separate database provides States with advice on policies and programmes to eradicate racial discrimination and to promote equality. We also focused strongly on sexual and gender-based violence, and partnered with UN-Women and UNDP to increase women's access to justice through law and justice reforms.

In July 2013, OHCHR launched *Free & Equal*, a global campaign for LGBT equality, and several meetings were organized to strengthen protection of the human rights of older persons.

Impunity and the rule of law

Accountability is vital to deterring rights violations and to rebuilding a sense of common destiny. In 2013 we helped States draft transitional justice laws in Libya, Tunisia and Yemen, among others. We supported inclusive and participatory transitional justice processes in Côte d'Ivoire, Tunisia and Guinea. OHCHR also co-chaired an interdepartmental process to evaluate implementation of the UN Rule of Law Indicators Project, including a detailed review in Haiti, Liberia and South Sudan of data on the reform of prisons, the police and the judicial system. The outcome identified ways to help Member States use indicators to measure change in accountability, integrity and performance.

We also continued our advocacy in favour of a moratorium on the death penalty, with the goal of its complete abolition. And, as Chair of the Counter-Terrorism Implementation Task Force (CTITF) Working Group on Protecting Human Rights while Countering Terrorism, OHCHR developed

a series of practical human rights reference guides on security infrastructure and the stopping and searching of persons. Further guides are under development on the conformity of national counter-terrorism legislation with international human rights law.

Poverty and economic, social and cultural rights

Human rights must be at the core of all development processes. We pursued this objective through research, expert meetings, consultations, advocacy and public events, and by developing methodologies and selection criteria for post-2015 goals, targets and indicators. So far, each of the key milestones in the post-2015 process has recognized the value and centrality of human rights.

In May 2013, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights entered into force, reaffirming the justiciability of economic, social and cultural rights. Two major publications on ESCR were issued in 2013: *Realizing the Right to Development*, which brings together practical guidance from more than 30 international experts; and *Human Rights Indicators*, a framework for improving measurement and implementation of human rights in local contexts.

Migration

Over the past four years, through its engagement in the Global Migration Group (GMG), the Global Forum on Migration and Development, and the High-Level Dialogue of the General Assembly, OHCHR has advanced a strong human rights approach to migration. The Office produced an analytical report, *Migration and Human Rights: Improving human rights-based governance of international migration* and supported the development of a study on management of the external borders of the European Union and its impact on the human rights of migrants. The resulting report provides practical guidance on the implementation of a human rights-based approach to migration policies.

Violence and insecurity

OHCHR has assisted almost 40 commissions of inquiry and fact-finding missions and in 2013 we issued a publication of practical guidance. Protecting civilians is a vital part of peacekeeping missions, and OHCHR cooperated with DPKO and DPA to develop a joint policy to improve coordinated responses to the risk of human rights violations. We also stand ready to assist in humanitarian catastrophes, as with the team that OHCHR sent to the Philippines to support the UN country team in the aftermath of typhoon Haiyan.

Supporting human rights mechanisms

OHCHR supported 51 special procedures mandates in 2013, as well as the Human Rights Council's Universal Periodic Review. The Office also prepared a comprehensive assessment of the complexity, workload and full cost of the treaty body system, which in April 2014 led to a General Assembly resolution to streamline its structures and functioning.

Management and funding

OHCHR is focusing on results. All parts of the Office now use an online system to plan, monitor and report on their work against targets. Of the 27 targets we set for 2012-2013, 14 were fully met or exceeded. For 10 targets, the percentage of achievement was between 50 and 99 per cent. The percentage of achievement was below 50 per cent in relation to only three targets (see Annex I for details). We also seek to control costs and deploy our resources effectively, and in 2013 we initiated a Functional Review, whose results will be released in 2014.

Voluntary contributions increased from US\$111.1 million in 2012 to US\$121.2 million in 2013. This is still far too little to meet the requests for our assistance. As the Office has grown more active and operational, it is expected to do more. As I pass the baton to my successor, I hope s/he will be able to count on more resources and support.



Navi Pillay
High Commissioner for Human Rights

May 2014

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About OHCHR

The Office of the High Commissioner for Human Rights (OHCHR) is the leading UN entity on human rights. It has a unique mandate provided by the General Assembly to promote and protect all human rights for all people. The United Nations human rights programme aims to make the protection of human rights a reality in the lives of people everywhere. As the entity in charge of implementing the programme, the Office plays a crucial role in safeguarding the integrity of the three pillars of the United Nations - peace and security, human rights and development.

OHCHR provides assistance, such as technical expertise and capacity development, to support the implementation of international human rights standards on the ground. It also assists governments, which bear the primary responsibility for the protection of human rights, to fulfil their obligations, supports individuals to claim their rights and speaks out objectively on human rights violations.

OHCHR is part of the United Nations Secretariat and has its headquarters in Geneva and an office in New York. OHCHR's staff is based in 59 countries, in regional and country/stand-alone offices, United Nations peace missions or political offices and in United Nations Country Teams (UNCTs).

Method

The Office's work encompasses three broad areas: human rights standard-setting, monitoring and supporting implementation. Substantive and technical support is provided to the various UN human rights bodies as they undertake their standard-setting and monitoring duties. Knowledge and awareness of all human rights, whether civil, political, economic, social or cultural rights, are deepened and the capacity of rights-holders and duty-bearers are strengthened through applied thematic research and analysis, methodology, development and training. International human rights experts are also deployed to field offices and

Mandate of the United Nations High Commissioner for Human Rights

General Assembly resolution 48/141 charges the High Commissioner for Human Rights with "principal responsibility" for human rights in the United Nations with the mandate to:

- Promote and protect all human rights for all
- Recommend to bodies of the United Nations system the improved promotion and protection of all human rights
- Promote and protect the right to development
- Provide technical assistance for human rights activities
- Coordinate United Nations human rights education and public information programmes
- Work actively to remove obstacles to the realization of human rights
- Work actively to prevent the continuation of human rights violations
- Engage in dialogue with governments with the aim of securing respect for all human rights
- Enhance international cooperation
- Coordinate human rights promotion and protection activities throughout the United Nations system
- Rationalize, adapt, strengthen and streamline the United Nations human rights machinery

other missions, including in circumstances of crisis, to work with countries seeking to meet their human rights obligations.

The work of the Office is based on the OHCHR Management Plan (OMP). The current OMP covers the period 2012-2013 and sets out 11 global expected accomplishments (EAs). Results obtained under these expected accomplishments are summarized in the thematic chapters of the printed version of the report and are listed under the corresponding field presence or division in the CD version. The OMP for 2012-2013 also identified eight global management outputs (GMOs) to improve efficiency within the Office. Achievements in this area are elaborated in the Management chapter at page 106.

Supporting the human rights bodies and mechanisms

The Human Rights Council, comprising 47 Member States of the United Nations which are elected by the General Assembly for fixed terms, is given substantive and technical support by the Office in its work, including its regular and special sessions, organizational meetings and meetings of its subsidiary bodies. Stakeholder meetings, special events, discussions and expert panels are also organized and supported by OHCHR.

OHCHR supports the Council's Universal Periodic Review (UPR). The second cycle of the UPR continued in 2013 and 42 States had their human rights records reviewed by the Working Group during the year. The Office develops UPR training modules and briefs States and other stakeholders on the UPR mechanism to support the preparation of reports. OHCHR also provides substantive and technical support to independent human rights experts, known as special procedures mandate-holders, who are appointed by the Council, in relation to their country visits, reports to the Council and other activities.

The Office provides support to 10 human rights treaty bodies, which are committees of independent experts that consider the progress of countries in implementing the obligations of the international human rights treaties they have ratified. Most of these committees also consider individual complaints of violations of treaty provisions. The results of their deliberations contribute to the body of jurisprudence on international human rights law.

The Office also supports the independent human rights experts (special procedures) who are mandated to report and advise on human rights from a thematic or country-specific perspective. As of the end of 2013, there were 51 special procedures; 37 of which are dedicated to thematic issues and 14 of which are dedicated to country situations. Among these 51 mandates, six are working groups composed of five members. The Office provides thematic, fact-finding, policy, legal and methodological expertise, research, analysis and documentation and assists with logistical and administrative matters. With the support of OHCHR, special procedures: undertake country visits; act on individual cases and concerns of a broader, structural nature by sending communications to States and others; conduct thematic studies and convene expert consultations; contribute to the development of international human rights standards; engage in advocacy; raise public awareness; and provide

advice for technical cooperation. Special procedures report annually to the Human Rights Council. The majority of the mandates also report to the General Assembly.

Developing human rights guidance, offering advice and strengthening capacity

The Office maps emerging trends in human rights, draws lessons learned from human rights work carried out at headquarters and in the field and based on these trends, produces guidance and capacity-strengthening tools such as methodologies and training materials which translate international human rights law into practical approaches and procedures to be used by the UN and other actors. Providing advice, support and outreach to multiple stakeholders, including Member States, individuals, civil society and national and regional human rights institutions, are integral parts of the Office's approach to implementing the High Commissioner's mandate.

Mainstreaming of human rights

Under its mainstreaming mandate, the Office works to ensure the integration of a human rights approach into the development, humanitarian, peace and security, governance and rule of law programmes of the United Nations system. At a practical level, OHCHR advances human rights mainstreaming through its active participation in UN inter-agency bodies and efforts and the High Commissioner's participation in the UN System Chief Executives Board for Coordination. The Office advocates for policy coherence according to an approach based on respect for all human rights with particular attention to those who are, or are most vulnerable to becoming, victims of human rights violations.

Working in countries

By the end of 2013, OHCHR was operating or supporting 59 field presences. In-country presence is essential to identifying, highlighting and developing responses to human rights challenges in close collaboration with governments and the broader United Nations system. Responses may involve training police, soldiers and judges, helping to draft national legislation that is in line with international human rights standards or supporting States with their obligation to implement the recommendations of the human rights mechanisms, including the UPR. In many countries and regions, the Office cooperates



The Palais Wilson, OHCHR headquarters in Geneva, illuminated to commemorate the 20th anniversary of OHCHR.

with human rights, academic and research institutions and civil society organizations, including charities, advocacy groups and other NGOs to strengthen their capacity and effectiveness. Staff are also deployed to rapidly developing humanitarian or other crises and to support fact-finding missions or commissions of inquiry into serious human rights abuses.

Staff

As of 31 December 2013, the Office employed 1,085 staff, 452 (42 per cent) of whom were based in the field (including 19 human rights advisers based in UNCTs), 607 (56 per cent) in Geneva and 26 (2 per cent) in New York. OHCHR also supported close to 840 human rights officers serving in 15 UN peace missions or political offices.

Structure

In addition to its headquarters in Geneva, the organization has an office at UN Headquarters in New York and as of 31 December 2013, 12 regional offices or centres and 13 country or stand-alone offices (see map on pages 12-13). The Office also supports the human rights components of UN peace

missions or political offices and deploys human rights advisers to work with UNCTs.

The Geneva headquarters has four substantive divisions: (1) the Research and Right to Development Division, which develops policy and provides guidance, tools, advice and capacity-strengthening support on thematic human rights issues; (2) the Human Rights Treaties Division, which supports the treaty bodies; (3) the Field Operations and Technical Cooperation Division, which is responsible for overseeing and implementing the Office's work in the field; and (4) the Human Rights Council and Special Procedures Division, which provides substantive and technical support to the Human Rights Council, the Council's UPR mechanism and the Council's special procedures. Core management, planning, coordination and outreach functions are handled by dedicated Services and Sections which report directly to the Deputy High Commissioner. For the current organization chart, please refer to page 199.

How OHCHR is funded

OHCHR is partially funded from the United Nations regular budget, which provided 44 per cent of the resources expended to implement the Office's programme of work in 2013, and partially through

voluntary contributions from donors, the majority of which are Member States. The amount of regular budget funding that is allocated for use by OHCHR has gradually increased since 2005 when leaders attending the World Summit committed to a doubling of the resources available for the Office over five years. An amount of US\$177.3 million has been allocated to OHCHR for the 2012-2013 biennium, compared with US\$151.6 million in 2010-2011, US\$120.6 million in 2008-2009, US\$83.4 million in 2006-2007 and US\$67.6 million in 2004-2005. For more information, please refer to pages 143-161.

The level of voluntary funding for OHCHR's work increased substantially over the last decade, almost tripling from US\$41.2 million in 2002 to nearly

US\$120 million in 2008. In 2009, contributions dropped slightly to US\$118.1 million and then sharply decreased in 2010 to US\$109.4 million. In 2011, a slight recovery took place and the Office received US\$111.1 million. The same amount was received in 2012. In 2013, the level of voluntary funding for OHCHR reached US\$121.2 million, the highest amount ever received by the Office.

The amount of voluntary contributions provided without earmarking has grown steadily since 2002 and reached a maximum of 56 per cent of total contributions received in 2009. While unearmarked contributions dropped slightly to 54 per cent in 2010 and to 51 per cent in 2011, they increased to 53 per cent in 2012. In 2013, 54 per cent of the voluntary contributions provided to OHCHR

History of the UN Human Rights Programme

The UN human rights programme has grown considerably since its modest beginnings almost 60 years ago. Organizationally, the programme started in the 1940s with a small Division in the UN Secretariat in New York. The Division later moved to Geneva and was upgraded to the Centre for Human Rights in the 1980s. At the World Conference on Human Rights in 1993, Member States decided to establish a more robust human rights institution and later that year, the General Assembly adopted a resolution establishing the post of the United Nations High Commissioner for Human Rights.

This resolution led to the transformation of the Centre for Human Rights into the Office of the High Commissioner for Human Rights and vested it with a wide-ranging mandate and primary responsibility for human rights in the United Nations system. Twelve years later, at the 2005 UN World Summit, Heads of State from around the world committed themselves to an expansion of the UN human rights programme that recognized the central role and importance of ensuring a human rights approach in all aspects of the

UN's work. At the same time, the three pillars of the Organization's role were recognized as intertwined, namely peace and security, development and human rights. The growth in UN human rights activities reflects the increasing strength of the international human rights movement since the General Assembly first adopted the Universal Declaration of Human Rights on 10 December 1948. Drafted as "a common standard of achievement for all peoples and nations," the Declaration sets out basic civil, political, economic, social and cultural rights that all human beings are entitled to enjoy. Over time, this unprecedented affirmation of human rights has become widely accepted as the standard to which all governments should adhere. The Declaration, together with the International Covenant on Civil and Political Rights and its two optional protocols, as well as the International Covenant on Economic, Social and Cultural Rights, form the "International Bill of Human Rights." International Human Rights Day is now observed on 10 December around the world.

As international human rights law developed, a number of UN human

rights bodies were established to respond to evolving human rights challenges. These bodies, which rely on the High Commissioner's Office for substantive and logistical support, are either Charter-based (political bodies with mandates originating in the UN Charter that are composed of representatives of Member States) or treaty-based (committees established by international human rights treaties that are mandated to monitor the compliance of States Parties with their treaty obligations and composed of independent experts). The Commission on Human Rights, which was established in 1946 and reported to the Economic and Social Council, was the key United Nations intergovernmental body responsible for human rights until it was replaced by the Human Rights Council in 2006. In addition to assuming the mandates and responsibilities previously entrusted to the Commission, the Council reports and makes recommendations to the General Assembly on ways to further develop international human rights law. Two years after its first session, the Council operationalized the Universal Periodic Review.

were unearmarked. Please refer to pages 130-142 for more information on funding and trends and challenges and pages 170-189 for the profiles of all donors in 2013.

How OHCHR spends its budget

Total expenditures, including both regular budget and voluntary contributions, slightly decreased in 2013 to US\$219.4 million (compared to US\$224.7 million in 2012) as a result of a conscientious effort to reduce the Office's funding gap. Excluding expenditures associated with the two grant-making humanitarian funds administered by the Office, 45.7 per cent of

the total expenditures in 2013 were devoted to fieldwork, principally capacity-strengthening projects and human rights monitoring, which were predominantly financed through voluntary contributions. Approximately 12.8 per cent was spent on thematic research and human rights mainstreaming, 10.1 per cent on supporting the human rights treaty bodies and 12.8 per cent on support to the Human Rights Council and its special procedures. The remainder was devoted to programme support (7.8 per cent), executive direction and management, resource mobilization and outreach activities (10.1 per cent), and miscellaneous activities (0.7 per cent). Further information on the financial accounts for the year-end to 31 December and the breakdown of expenditures and allocation of voluntary contributions can be found on pages 143-161.

Global map of field presences



-  Headquarters
-  Regional Offices/Centres
-  Country/Stand-alone offices
-  Human rights components of peace missions
-  Human rights advisers in United Nations Country Teams

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

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

*** Human Rights Adviser deployed through the UNGD-Human Rights Mainstreaming Mechanism

**** Closed in 2013



Countries covered from Regional Offices:

Africa

- East Africa - from Addis Ababa
- Southern Africa - from Pretoria
- Central Africa - from Yaoundé: Sub-regional centre on human rights and democracy
- West Africa - from Dakar

Americas

- Central America - from Panama
- South America - from Santiago de Chile

Asia-Pacific

- South-East Asia - from Bangkok
- Pacific - from Suva

Europe and Central Asia

- Europe - from Brussels
- Central Asia - from Bishkek

Middle East and North Africa

- Middle East and North Africa - from Beirut

As at 31 December 2013