Thematic Priorities

Key human rights events over the past 20 years:

5 May 2013 | Optional Protocol to Covenant on Economic, Social and Cultural rights enters into force
17 June 2011 | First UN resolution on sexual orientation and gender identity is adopted
23 December 2010 | International Convention for the Protection of All Persons from Enforced Disappearance enters into force
7 April - 8 April 2008 | First session of the Universal Periodic Review
13 September 2007 | Declaration on the Rights of Indigenous Peoples is adopted
22 June 2006 | Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment enters into force
19 June - 30 June 2006 | The Human Rights Council holds its first session

World Conference on Human Rights, Vienna, Austria
14 – 25 June 1993

25 December 2003 | Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children enters into force
1 July 2003 | International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families enters into force
1 July 2002 | Rome Statute of the International Criminal Court enters into force
12 February 2002 | Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict enters into force
31 August - 7 September 2001 | World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa
22 December 2000 | Optional Protocol to the Convention on the Elimination of All Discrimination against Women enters into force
9 December 1998 | Declaration on Human Rights Defenders is adopted
20 December 1993 | Declaration on the Elimination of Violence against Women is adopted
20 December 1993 | Post of UN High Commissioner for Human Rights is created
1 October 1993 | First OHCHR country office opens in Phnom Penh, Cambodia
Discrimination

Counteracting 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 international human rights instruments is fairly widespread, effective implementation at the national level remains a major challenge. In every country and in many communities around the globe, people continue to be excluded, marginalized or restricted in terms of their human rights and fundamental freedoms, based on various grounds. The global economic crisis has exacerbated discrimination against women and marginalized groups, including migrants and older persons. Racial discrimination is also on the rise and continues to be a significant ground of discrimination against many peoples and groups around the world.

Yet incremental progress has been achieved in all regions in combating discrimination, racism, racial discrimination, xenophobia and related intolerance, largely as a result of the enactment or amendment of constitutional protection frameworks and domestic legislation. These measures are crucial to protecting rights and providing avenues for remedy and redress. Achieving tangible progress entails addressing structural causes of discrimination and mobilizing political will to implement and enforce those very laws. In some cases, it is the laws themselves - or the institutions and the practices - which are discriminatory.
ÉGALITÉ
OHCHR’s role

OHCHR has the leadership responsibility within the United Nations system to promote equality and universal respect for human rights and fundamental freedoms and prevent and combat discrimination. The Office provides technical advice and assistance to States in implementing their international obligations and the recommendations issued by human rights mechanisms. OHCHR also supports the efforts of national human rights institutions (NHRIs), specialized equality bodies, economic actors, civil society as well as groups facing discrimination in their efforts to prevent and address all forms of discrimination.

The Office develops research and publishes tools while also promoting human rights and undertaking advocacy work related to racial discrimination, gender discrimination, economic, social and cultural rights, minority rights, the rights of indigenous peoples, the rights of persons with disabilities, religious intolerance and discrimination against those who are marginalized. OHCHR is also responsible for providing substantive and secretariat support to international human rights mechanisms dealing with issues related to discrimination in its various forms.

OHCHR works to inform and empower groups and individuals facing discrimination by facilitating their participation in relevant activities, carrying out projects to strengthen their capacity to claim their rights and supporting grassroots and community-based efforts to combat discrimination, while maintaining a gender perspective. The Office also works to maximize its role and effectiveness in mainstreaming the principles of equality and non-discrimination throughout the work of the United Nations system at all levels.

In collaboration with national institutions and regional organizations, OHCHR organizes events and meetings for a wide variety of stakeholders on promoting equality, and preventing and combating discrimination. These meetings have been important in strengthening the work of government officials, regional organizations, NHRIs and civil society at the national and regional levels and have led to further requests for OHCHR’s technical assistance.

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 legislation and policies, as well as on institution-building and institutional reform. OHCHR also supports civil society organizations in their advocacy efforts; assists United Nations Country Teams (UNCTs) in providing comments on draft laws and engages with 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).

The strengthening of anti-discrimination laws in the Republic of Moldova was achieved with contributions from OHCHR. Work in this area began in 2008 and resulted in the adoption of key laws, including the Law on Ensuring Equality and the Law on the Social Inclusion of Persons with Disabilities, as well as the recognition by the Republic of Moldova of the competence of the Committee on the Elimination of Racial Discrimination (CERD) to review individual complaints. New legislation substantially, but not fully, complies with international human rights standards. In addition, Moldovan courts issued their first judgments condemning discrimination and an Equality Council was established in 2013, all of which occurred with OHCHR methodological guidance and support.

In Kosovo¹, based on its monitoring work, OHCHR provided support to the elaboration of two publications, namely *Discrimination cases in Kosovo – Do they exist?* and *An insight into the work of the Ombudsman Institution*. To date, these constitute the only and most comprehensive stocktaking analyses of discrimination cases in Kosovo. The reports resulted in a better understanding of the reasons for poor implementation of the Anti-Discrimination Law, which has translated into concrete proposals for its amendment.

¹ All references to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.
In the former Yugoslav Republic of Macedonia, OHCHR carried out advocacy activities with key national and international actors to raise their awareness about the shortcomings of the Anti-Discrimination Law and its potentially negative impact on the effective prevention against and protection from discrimination. In 2013, the Ministry of Labour and Social Policy undertook an assessment of the implementation of the Law. The draft assessment report included 15 recommendations that, among other things, mentioned the need to amend the Law to ensure the establishment of an accountability mechanism for the Commission and the adoption of an action plan for the effective implementation of the Law.

During the reporting period, the Office continued to support Member States in developing national action plans (NAPs) to eradicate racism, discrimination and promote equality, including in Benin, Bolivia, Botswana, Burkina Faso, Costa Rica, Ecuador, Guinea, Mauritania, Mexico, Nigeria and Uruguay. In December 2013, a National Action Plan against Racism and Racial Discrimination was adopted in Costa Rica. OHCHR facilitated components of the process, including meetings with people of African descent, indigenous peoples, migrants and refugee communities across the country, enhancing their capacity and providing space for dialogue and participation. In Mexico, OHCHR engaged with the National Council to Prevent Discrimination in the elaboration of a new NAP to combat discrimination which will cover 2014 to 2018.

In Honduras, the Ministry for Indigenous Peoples and Afro-Hondurans (SEDINAFROH) has developed a first draft of the National Plan against Racism and Racial Discrimination which fully complies with international human rights standards. OHCHR provided technical advice on the text and supported SEDINAFROH in its development, as well as the design and implementation of a consultation process on the Plan which included representatives of indigenous and Afro-descendant peoples.

In February 2013, OHCHR supported a study by the Human Rights Commissariat of Mauritania on the status of racial discrimination in the country and proposed a NAP on the fight against racial discrimination. Despite technical support and advice provided by the Office and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the study and the draft NAP do not fully reflect the OHCHR practical guide on the
development of a NAP. The findings and proposals were presented during three regional fora which were jointly organized by OHCHR and the Human Rights Commissariat. The meetings gathered together government authorities, civil society and the National Human Rights Commission to collect further analysis and recommendations and may provide the basis for the elaboration of a final draft NAP in 2014.

At the regional level, OHCHR organized a workshop in Jakarta, Indonesia for the Association of South East Asian Nations (ASEAN), entitled Combating Discrimination, Promoting Equality and Social Cohesion. In addition to enhancing cooperation between OHCHR and ASEAN, the event supported national and regional efforts to combat discrimination and promote social cohesion and also contributed to strengthening the capacities of over 70 government officials of ASEAN, representatives of the ASEAN Intergovernmental Commission on Human Rights, national institutions and civil society to effectively address issues related to discrimination.

**Discrimination against indigenous peoples and minorities**

In several countries, OHCHR supported the adoption and implementation of legislation and policies aimed at promoting and protecting the rights of indigenous peoples.

Through OHCHR activities, key stakeholders gained awareness and increased their knowledge about the Declaration on the Rights of Indigenous Peoples and their capacity to use it as a reference in their decision-making and policymaking processes. For example, briefings were held with Parliamentarians in Cameroon in the context of legislative developments regarding the management of forests and with indigenous representatives in the Republic of the Congo to support the implementation of the 2012 Law on Indigenous Peoples and its implementing decrees. The briefings contributed to ensuring that the standards of the Declaration were taken into account in these processes. Furthermore, through advocacy and technical support provided by OHCHR, Congo’s Law on Indigenous Peoples has been progressively implemented.

As a follow-up to the High Commissioner’s visit to Australia in May 2011, more advocacy efforts have been undertaken with respect to indigenous issues. OHCHR also provided comments on the National Human Rights Action Plan that was launched in December 2012.

In Guatemala, OHCHR continued to monitor activities in relation to the human rights of women and indigenous peoples. Through the strategic litigation component of the Maya Programme, the Office followed up and documented a number of cases related to the rights of women, particularly indigenous women, and reported them to relevant authorities. While not always successful, the interventions of the Office, in collaboration with indigenous peoples’ organizations, led to positive changes in a number of situations, including the establishment of a support network for organizations that work on the rights of indigenous peoples nationwide and an increased use of national and regional protection systems by these organizations.

In Ecuador, there has been an increase in how the police, armed forces, NHRIIs and the judiciary perform their functions in compliance with international standards on the collective rights of indigenous peoples and Afro-descendants. OHCHR
has assisted these institutions in implementing and institutionalizing training modules on collective rights which, in turn, has contributed to the improved knowledge of their staff on this issue. The updated version of the Fact Sheet on Indigenous Peoples and the United Nations Human Rights System also contributed to raising awareness among the general public.

In 2013, OHCHR undertook a number of activities concerning the protection of minority rights. In October, OHCHR presented its research findings related to the rights of minorities in the spheres of education, media and political and public participation in Kazakhstan, Kyrgyzstan and Tajikistan. As a result, recommendations for improvement of related legislation, policies and practices were made to government officials. Furthermore, in March, the Parliament of the Kyrgyz Republic approved the Concept on Strengthening the Unity of People and Interethnic Relations, which included provisions aimed at improving the representation of minorities in State bodies and the preservation of minority languages.

In the Republic of Moldova, OHCHR worked with the Prime Minister’s Adviser on Roma Community Issues to address the problem of the segregated education of Roma children in a number of municipalities and carried out seminars on minority rights issues within the framework of the Government’s Bureau on Interethnic Relations.

OHCHR also worked closely with regional actors on minority issues. For example, it contributed to enhanced interaction between the United Nations and the Council of Europe’s minority rights activities in connection with the 15th anniversary of the entry into force of the Framework Convention for the Protection of National Minorities. It also contributed

**Discrimination against women**

OHCHR consistently promoted laws prohibiting discrimination and establishing equality of treatment, opportunity and access of women and men in all spheres. It also sought to increase women’s participation in decision-making processes and the removal of discriminatory laws. The Office provided technical advice and carried out, in conjunction with other actors, advocacy targeting governments and other partners.

In Bolivia, OHCHR provided technical support and advice to the Government and civil society on the implementation of the Law against Harassment and Political Violence towards Women (Law 243) and the Comprehensive Law Guaranteeing Women a Life Free from Violence (Law 348). OHCHR also supported the adoption of a new law on nationality in Senegal, which contributed to ending discrimination against women, in particular regarding their ability to transmit their nationality to their spouses and children. The adoption of this Law is the result of advocacy efforts undertaken by the Office, including the publication of a document listing all national laws that are discriminatory to women and highlighting their conflicts with international conventions ratified by the Government.

In addition, in Sierra Leone, OHCHR promoted women’s rights by conducting trainings on gender-based violence and on female genital mutilation. It also supported the mainstreaming of gender into programmes and monitoring of the Family Support Units of the police in Sierra Leone.

In 2013, OHCHR released the study *Gender Stereotyping as a Human Rights Violation* which defines key concepts, identifies and maps international human rights obligations related to gender stereotypes/stereotyping, includes analyses of various UN human rights mechanisms as to how these stereotypes harm women and violate their rights and identifies some of the key challenges in addressing them. Based on the study, OHCHR has begun promoting the development of more coherent normative guidance on gender stereotyping, including by developing information material for human rights mechanisms and holding a discussion with the Committee on the Elimination of Discrimination against Women (CEDAW).

The Office also developed technical guidance on the application of a rights-based approach to the reduction of maternal mortality and morbidity in 2012, which points to the need to ensure that laws, policies and programmes are in line with human rights obligations in this domain. Following a regional capacity-building workshop in Malawi which focused on the technical guidance, multi-

Promoting the participation of Roma women in the former Yugoslav Republic of Macedonia

Neime Ismaili is a human resources management graduate student who wants to take part in the political life of her community in the former Yugoslav Republic of Macedonia. “I want to have a say; I want my voice to count in the place where I live,” she states. “I can no longer observe, complain and stay out; I want to get involved and make a difference for Roma women.” She is one of 34 young Roma women and men who lobbied for the greater participation of Roma women in politics as part of a project implemented by the Women’s Civic Initiative, “Antico,” and supported through the Assisting Communities Together project, a joint initiative of OHCHR and UNDP. The informal lobby groups that were created as a result of this initiative compiled a manifesto demanding clear commitments from the leadership of Roma political parties to encourage Roma women to take up senior political positions and openly support women candidates in election campaigns. “I do not know if I want to run for office myself. But I certainly live to see the day when Roma women will be equal with men in all walks of life, including politics,” Ismaili says.
stakeholder groups from Malawi, South Africa, Uganda and the United Republic of Tanzania, including governments, UN agencies, national human rights institutions and civil society, agreed upon action plans to promote rights-based approaches to maternal and child health.

**Discrimination against persons with disabilities**

The promotion and protection of the rights of persons with disabilities remained one of the key areas of OHCHR’s work, which continued supporting the ratification, effective implementation and monitoring of the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol.

Efforts on the rights of persons with disabilities have also focused on promoting and fostering awareness and understanding about the human rights-based approach to disability, as established by the CRPD, and the paradigm shift that this entails. At the global level, this included the organization of a workshop in July 2013 for the staff of key UN entities, experts from the CRPD Committee and civil society representatives, in the context of the sixth Conference of States Parties to the CRPD. This contributed to an increased understanding about the human rights-based approach to disability and how to move forward in promoting this approach and CRPD standards in a coordinated manner.

At the national level, the rapidly growing number of ratifications of the CPRD led to increased assistance provided to States Parties in reviewing the compliance of their national legislation and policies with the Convention and in building appropriate national implementation and monitoring mechanisms. In Peru, OHCHR supported efforts to review the National Plan of Action on the Equalization of Opportunities (2009-2018) to bring it line with the CRPD and Peru’s 2012 Disability Act. In South Africa, the Office provided expert advice on how to move forward with legislative and policy reviews and regarding the development of a national implementation and monitoring mechanism in line with article 33 of the CRPD.

In Iraq, in September 2013, the Council of Representatives endorsed the Law for the Care of Persons with Disabilities and Special Needs. The United Nations Assistance Mission for Iraq, in partnership with the Human Rights Parliamentary Committee and the Iraqi Alliance of Disability Organizations, undertook advocacy with the Government and proposed a series of amendments to ensure the Law is in full conformity with the CRPD.

In the former Yugoslav Republic of Macedonia, OHCHR took advantage of particular activities and events, such as CEDAW’s consideration of the State Party report in 2013 as well as the preparations for the second Universal Periodic Review in 2014 to garner support for the implementation of the CRPD.

**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**

OHCHR continued developing a set of guidelines for the establishment or strengthening of independent national mechanisms to combat racism, racial discrimination, xenophobia and related intolerance. In addition, they aim to support relevant national stakeholders in their efforts to ensure the full implementation of international commitments undertaken by States with regard to combating racism, racial discrimination, xenophobia and related intolerance. The guidelines were validated during a workshop held on 20 December 2013, which gathered together experts from NHRIs, equality bodies and human rights institutes working on anti-discrimination issues, and will be published, disseminated and used as a basis for OHCHR’s work in this area in 2014.

An increasing number of NHRIs are working on indigenous peoples’ issues and OHCHR has contributed to enhancing their capacity to do so.
Through wide-ranging consultations, the Office and the Asia Pacific Forum on National Human Rights Institutions completed a joint manual for NHRIs on the United Nations Declaration on the Rights of Indigenous Peoples. The manual builds on examples of similar publications such as the National Inquiry Report on the Land Rights of Indigenous Peoples that was issued by the National Human Rights Commission of Malaysia in 2013. Furthermore, a workshop organized by the Office and the Federal Ombudsman of the Russian Federation in Khanti-Mansiysk, Siberia, explored international standards, norms and mechanisms with regard to business engagement with indigenous peoples. OHCHR also contributed to strengthening the capacity of the Panama NHRI to monitor the human rights situation of indigenous peoples and Afro-descendants, including by elaborating guidelines to address racial and ethnic discrimination against indigenous peoples and Afro-descendants.

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*

As a result of training workshops on human rights indicators conducted by OHCHR, government agencies, national human rights institutions, civil society organizations and UN colleagues have increased their capacity to monitor economic, social and cultural rights and reflect them in development policy and governance at the national and international levels.

OHCHR initiated a Roma housing project for which it developed the Criteria for Evaluation of Locations for Social Housing of Roma in Belgrade. In coordination with the project team and Serbian human rights NGOs, OHCHR assisted in the development of the Methodology for Community Consultations that will guide consultative processes throughout the implementation of the project.

In 2013, the High Commissioner launched the publication *Human rights Indicators: A Guide to Measurement and Implementation* which provides specific tools on using indicators to promote and monitor the realization of economic, social and cultural rights. Also in 2013, OHCHR and UN Women published the *Handbook on Realizing Women’s Rights to Land and other Productive Resources* which is based on the results of an expert group meeting held in June 2012. At the meeting, studies were presented from various sectors and regions which illustrated many of the critical issues facing women today in relation to the enjoyment of land rights. The Handbook provides detailed guidance for law and policymakers, as well as civil society organizations and other stakeholders, on the development and effective implementation of laws, policies and programmes to respect, protect and fulfil women’s rights in this area.

In Sierra Leone, an increased number of measures were taken to improve access to justice and basic services by women and discriminated groups such as persons with disabilities, including through the application of the Gender Law and the Disability Act. OHCHR also provided support to the establishment of the National Commission for Persons with Disabilities and to the development of its three-year strategic plan. In addition, technical support provided to the National Committee on Gender-Based Violence and NGOs working on the subject resulted in an increase in the number of claims filed by victims of sexual violence.

In June, OHCHR and the European Commission’s Directorate-General for Employment, Social Affairs and Inclusion co-organized an event, entitled Preventing Abuse and Neglect of Older Persons in Europe, which gathered together over 100 participants in Brussels. The event provided a platform for continued discussions on the human rights of older persons, relevant international standards, including the CRPD and implementation challenges. It also raised awareness about the different applicable international human rights standards and the work undertaken by the human rights mechanisms in this area and promoted the exchange of information between care workers, academics and human rights experts.

OHCHR supported the projects of national civil society actors aimed at reducing stigma and discrimination against persons living with HIV/AIDS, primarily through awareness-raising advocacy campaigns, capacity-building and public dialogues. Grants were provided to projects developed to: promote legal services to combat HIV/AIDS in Benin; provide training, education and awareness-raising among legislators, public officials and people living with HIV in Ecuador; and address HIV-related stigma and discrimination in the Republic of Moldova by empowering people living with HIV/AIDS with the necessary tools to claim their rights.
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 and indigenous peoples in these processes.

In Honduras, OHCHR played a leading role in supporting the Ministry for Indigenous Peoples and Afro-Hondurans in the design and implementation of a consultation process. Through this process, 230 members of nine organizations of indigenous and Afro-Honduran peoples provided inputs to the draft National Plan against Racism and Racial Discrimination. The consultation activities provided opportunities to raise awareness about the rights of indigenous peoples among national stakeholders.

In Guatemala, through technical assistance provided by the Office, indigenous traditional authorities strengthened their capacities regarding the use of international standards in their daily work, including in the administration of traditional justice and the management of communal lands and resources. The Office also embarked on an unprecedented process of monitoring the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in coordination with UNDP and a Guatemalan member of the Permanent Forum on Indigenous Issues. In addition, through a participatory process that involved indigenous organizations in various parts of the country, the Office contributed to the preparation and publication of a report to be submitted to the Permanent Forum, which provides a systematic analysis of the situation of indigenous peoples’ rights in the country.

OHCHR also undertook efforts to promote women’s participation in the identification of adequate reparation measures. In Kosovo, through inclusive consultations with survivors, OHCHR completed a study on reparations for victims of sexual and gender-based violence during the armed conflict. The implementation of the recommendations contained in the report will be promoted in 2014 and will contribute to addressing long-standing demands for redress. Also in Kosovo, OHCHR provided technical assistance to more than five NGOs working in the field of human rights, specifically on anti-discrimination issues, which enabled them to advocate for legislative changes and monitor the level of implementation of anti-discrimination legislation. OHCHR also provided strategic guidance to an NGO specialized in public interest litigation in order to increase the level of implementation of the Anti-Discrimination Law and the Gender Equality Law by bringing strategic cases before courts.

Through OHCHR’s efforts, members of indigenous and minority communities, African descent groups and civil society organizations have increased their awareness and are better equipped to make more effective use of the international human rights instruments and mechanisms to advocate for and protect the rights of their communities. In 2012-2013, through its Indigenous Fellowship and Minorities Fellowship Programmes, OHCHR contributed to building the knowledge and capacity of 75 indigenous peoples and persons belonging to minorities from Algeria, Argentina, Australia, Belize, Bolivia, Burundi, Canada, Chile, Colombia, Costa Rica, the Democratic Republic of the Congo, Ecuador, French Guiana, Guatemala, India, Indonesia, Jordan, Kenya, Lebanon, Mali, Morocco, Nepal, New Caledonia, New Zealand, Niger, Panama, Peru, Philippines, Republic of Moldova, Russian Federation, Suriname, Syrian Arab Republic, Uganda, Uruguay, Venezuela and Yemen. Over half of the fellows were women.

The third edition of the African Descent Fellowship Programme took place in 2013 and provided participants with an intensive learning opportunity to deepen their understanding of the United Nations human rights programme, instruments and mechanisms, with a focus on issues of particular relevance to people of African descent. The fellows were from Australia, Costa Rica, France, Panama, Russian Federation, United Kingdom and United States of America. Building on this programme, several fellows subsequently carried out human rights awareness- and capacity-building initiatives at the national level, including training programmes for civil society representatives and organizations working to promote the rights of people of African descent. Furthermore, the project management skills that fellows acquired enabled one in particular to secure funding for the launch of a national campaign against deaths in custody in the United Kingdom. Another fellow was invited to participate in national discussions towards the development of Costa Rica’s National Policy and Plan of Action for a society free from racism, racial discrimination, xenophobia and related intolerance.

OHCHR began developing a tool for journalists and media professionals, with a view to enhancing their role in promoting tolerance and combating
xenophobia and other phenomena, such as hate speech in mass media. In this context, OHCHR organized a workshop for media in Guinea on the eve of the parliamentary elections with a focus on its role in promoting tolerance and combating discrimination and related intolerance.

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

Minority rights issues and combating intolerance on the basis of religion and belief are increasingly gaining the attention of the international community. OHCHR’s work on these issues focuses on practical actions undertaken at the national, regional and international levels.

The role and voices of minority representatives in international and regional bodies were strengthened through new tools, including a new publication, *Promoting and Protecting Minority Rights: A Guide for Advocates*, in which OHCHR highlights the importance of using human rights mechanisms to empower minorities in claiming their rights. In November 2013, OHCHR organized two expert panels on minority issues in Geneva. The panel on Strengthening Minority Rights Advocacy through Implementation Mechanisms examined strategies and practical measures to reinforce the capacity of minority rights activists to engage with mechanisms at the international, regional and national levels to ensure better protection of minority rights.

The second panel, entitled Rights of Linguistic Minorities in a Digital Era, brought together experts on linguistic rights and new media technology to explore opportunities and challenges offered to minorities through rapid developments in information and communications technology.

OHCHR continued working on issues related to freedom of religion or belief, including incitement to national, racial and religious hatred. In February 2013, the High Commissioner launched the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. OHCHR’s follow-up activities on this document, adopted in Morocco in 2012, and on the implementation of Human Rights Council resolutions 16/18 and 22/31, are focused on actions at the national, regional and international levels. For instance, in 2013, OHCHR organized two meetings with stakeholders on the implementation of the Rabat Plan of Action in Jordan and Tunisia.

The Office continued to advocate, both globally and at the country level, for legal reforms to protect the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and to support human rights mechanisms in response to violations of human rights. OHCHR expanded its public information efforts with the July 2013 launch of Free & Equal - a campaign intended to raise awareness about homophobic and transphobic violence and discrimination. In its first six months, campaign videos, factsheets and infographics were accessed and shared by millions on social media.

With regard to the post-2015 development agenda, following advocacy and technical support provided by OHCHR, the outcome document of the

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**The right of LGBTI persons to manifest publicly in the Republic of Moldova**

In May, for the first time ever, the Republic of Moldova’s LGBTI community held a public event under the protection of approximately 600 police officers. The event took place following four years of support provided by OHCHR to GENDERDOC-M, the country’s first NGO focused on LGBTI rights, including through assistance in court proceedings and advocacy efforts with the Moldovan leadership. The Moldova United Nations Country Team took part in Pride 2013 in solidarity with the efforts of the LGBTI community to end discrimination on grounds of sexual orientation and gender identity.
High-level Meeting on Disability and Development included references to the CRPD. This process will continue in 2014 with the aim of promoting concrete objectives on inclusive education for the post-2015 development agenda.

The OHCHR database on practical means to combat racism, racial discrimination, xenophobia and related intolerance was officially launched by the High Commissioner in April 2013. This database, which contains information compiled from a variety of stakeholders and can be accessed at adsdatabase.ohchr.org, contributes to information-sharing and awareness-raising on global resources that are available to fight against racism and racial discrimination. Since its launch, the database, which contains over 1,500 documents and information from more than 90 countries, has been accessed by over 1,500 visitors, with an average of approximately 40 visits per day.

OHCHR has contributed to raising awareness about ageism and age discrimination and the importance of strengthening the human rights protection of older persons. The Office engaged in research on normative and protection gaps in international human rights law and advocacy with stakeholders, including civil society organizations, Member States, UN agencies and academic institutions.

Awareness of the international community regarding other pressing issues related to discrimination was also raised through a number of high-level panels organized by OHCHR on topics such as racism and sport. The panels took place during sessions of the Human Rights Council and on other important days, including International Women’s Day and the International Day for the Elimination of Racial Discrimination.

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 worked across the UN system to promote the integration of a rights-based approach and ensure that principles of non-discrimination and equality remain at the core of the UN’s programming in all spheres. OHCHR contributed to enhancing the coherence and impact of UN action in the field of racial discrimination and protection of minorities at the global, regional and country levels, including by advancing a human rights-based approach and application of a gender perspective when addressing racial discrimination.
and minority rights. For instance, OHCHR continued leading the UN Network on Racial Discrimination and the Protection of Minorities, established in March 2012. The Network enhanced dialogue and cooperation between relevant UN departments, agencies, programmes and funds and developed a Guidance Note for the UN system on addressing racial discrimination and protecting minorities in line with the Universal Declaration of Human Rights and other key international standards. The Guidance Note was endorsed by the Secretary-General in March 2013 and the Network has developed an action plan to support its implementation.

OHCHR advanced the integration of indigenous peoples’ rights in the work of the UN through the United Nations Indigenous Peoples’ Partnership in its capacity as Co-Chair of the Policy Board and lead agency in several related projects. For instance, in collaboration with the ILO, UNDP, UNFPA and UNICEF, the Office organized training sessions for indigenous peoples in Cameroon and the Republic of the Congo to enhance the knowledge of indigenous representatives on consultation processes and standards of free, prior and informed consent.

Regarding discrimination on the basis of gender, the Office was able to contribute to the programmes of work of other UN agencies at global and country levels. In this sense, OHCHR and UN Women signed a letter of agreement in July 2013 to strengthen their ongoing cooperation, committing to promote a gender and human rights-based approach in their global work. At the country level, the Office worked closely with a number of UNCTs. In Kosovo, the UN Joint Programme on Gender-based Violence, developed with full consideration of a human rights-based approach, has been essential to the promotion and protection of women’s rights. In Liberia, with the technical support of OHCHR, the One UN Programme 2013-2017 integrated a human rights-based approach and, to further strengthen gender equality programmes, a checklist was created with relevant human rights principles and standards applicable to key actions.

At the regional level, in December 2013, the second South Asian regional consultation on caste-based discrimination was jointly organized by the UN Resident Coordinator’s Office in Nepal and OHCHR. In addition to representatives of UN agencies, the event also included the participation of representatives of NHRIs in the region, international bilateral organizations and the Government of Nepal. The event focused on the sharing of good practices in law, policy and programmes between the countries concerned.
In 2013, OHCHR participated in the inter-agency discussions on cybercrime and cybersecurity and advocated for the mainstreaming of a human rights-based approach into the UN system-wide policy framework on these issues. This is of particular importance to the work on cybercrime, including computer-related acts involving advocacy of national, racial or religious hatred that constitute incitement to discrimination, hostility or violence as well as child pornography, among others.

Challenges and lessons learned

In 2013, significant challenges remained in all regions in combating discrimination and inequality. Discrimination on the basis of racial, ethnic and national origin is increasing and continues to be a major ground of discrimination. Women, migrants, LGBTI persons and ethnic or religious communities were also targeted by discriminatory acts, laws and practices. OHCHR endeavoured to address these issues through advocacy and the provision of technical assistance to Member States, upon their request. It also developed tools and guidance notes, held specific trainings and workshops and undertook general advocacy initiatives to sensitize the international community.

In 2013, OHCHR continued to face an increasing demand for bilateral support, including technical assistance, on issues of non-discrimination in the context of limited resources. OHCHR considered new partnership opportunities in order to address inequality and non-discrimination globally.

The fragile international consensus on how to address emerging anti-discrimination issues also continued to be a challenge for the Office. The High Commissioner and her staff addressed this concern through advocacy and the provision of effective support to Member States and human rights mechanisms.

Preventing and fighting against discrimination will remain high on the agenda of the international community in 2014 and in the future. Guided by the key human rights instruments, norms and standards, OHCHR will continue to address racism, racial discrimination, xenophobia and related intolerance as well as all forms of discrimination worldwide in an holistic manner.
Impunity and the rule of law

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

Background

Through the adoption of the Declaration of the High-level Meeting on the Rule of Law at the National and International Levels on 24 September 2012, all Member States reaffirmed their commitment to the purposes and principles of the Charter of the United Nations, international law and justice and an international order based on the rule of law. The Declaration stressed that these are indispensable foundations for a more peaceful, prosperous and just world and emphasized the interlinked and mutually reinforcing nature of human rights, the rule of law and democracy.

Events around the world in 2012-2013 provided stark reminders of how the absence of the rule of law can lead to violations of civil, political, economic, social and cultural rights, as well as to oppressive rule and conflict. Tragic developments in the Central African Republic, Mali and the Syrian Arab Republic, in particular, highlighted the fundamental importance of human rights protection, including through the promotion, preservation of and respect for the rule of law. They also demonstrated the essential need for UN engagement to strengthen the effective protection of human rights and the rule of law.

Democratic societies founded on the rule of law and strong, accountable institutions, as well as transparent and inclusive decision-making processes, are more likely to provide effective protection of human rights. Impunity allows gross human rights violations to thrive. It undermines the fabric of societies and prevents the development of sustainable peace and reconciliation.
JUSTICE
Establishing effective mechanisms to ensure that perpetrators of human rights violations do not go unpunished is a key step in the restoration or preservation of the rule of law in the aftermath of conflict or authoritarian regimes. It is also critical that effective and adequate redress and remedies for victims be at the centre of any accountability mechanism.

Transitional justice processes compliant with international norms and standards are vital to addressing the consequences of conflict or repressive rule. Rooted in the rights to justice, truth, reparations and guarantees of non-recurrence, transitional justice mechanisms can provide a comprehensive approach to help ensure accountability for past human rights violations and redress for victims.

**OHCHR’s role**

Within the UN system, OHCHR consistently plays a leading role in encouraging respect for the rule of law and democracy, in particular through its focus on combating impunity and strengthening accountability. The key areas of the Office’s impunity strategy include: supporting transitional justice processes; ensuring access to justice for individuals and groups facing discrimination; enhancing the framework for accountability for human rights violations, in full consideration of the specific needs of victims; increasing human rights protection and improving the administration of justice, including in the context of counter-terrorism; and ensuring that national legislation is in conformity with international human rights norms and standards.

In implementing its impunity strategy, OHCHR devotes particular attention to supporting national capacities to strengthen the rule of law and accountability and combat impunity, including through the development of practical guidance tools (i.e., the Secretary-General’s Guidance Note on the United Nations Approach to Transitional Justice). Through its field presences, the Office has developed the capacity to work in close cooperation with States and all other stakeholders, including national human rights institutions (NHRIs), providing technical assistance, capacity-strengthening activities and advisory services to assist duty-bearers to implement the provisions of international human rights instruments and recommendations issued by the human rights mechanisms. Moreover, the Office contributes to strengthening the rule of law and combating impunity through monitoring, documenting and reporting on human rights violations.

At the global level, OHCHR supports the development of relevant international norms and standards and promotes good practices. It also supports human rights mechanisms in their efforts to enhance the legal protection of human rights and accountability. Furthermore, OHCHR is actively involved in the Rule of Law Coordination Resource Group (RoLCRG), led by the Deputy Secretary-General, and the activities of the Global Focal Point on Justice, Police and Corrections, which was established in 2012 by the Secretary-General.

**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**

In 2012-2013, OHCHR provided advice and assistance in the drafting of new constitutions by advocating for the inclusion of provisions to strengthen human rights and to bring national constitutions in line with international norms and standards in a number of countries, including Egypt, Fiji, Libya, Somalia and Tunisia. For instance, in Somalia, the Human Rights Unit of the United Nations Political Office for Somalia (UNPOS)
cooperated with the Ministry of Constitutional Affairs and Reconciliation to provide support and advice on human rights issues to the governmental bodies tasked with developing the draft constitution.

In Tunisia, the National Constituent Assembly’s (NCA) Constitution Commission published a final draft of the Constitution at the end of 2013. The Constitution was adopted in January 2014. The Office assumed a leading role within the United Nations Country Team (UNCT) and provided the NCA Speaker and Consensus Commission with extensive comments and recommendations on the various drafts and strongly advocated for the inclusion of human rights. The final draft incorporated provisions on national institutions and bodies related to elections, justice, human rights and the media and guaranteed their constitutional protection according to international standards.

OHCHR also continued to work with constitutional courts and advocated for the application of human rights standards in national decisions. For instance, at the request of the Constitutional Court in Colombia, OHCHR presented its observations on a proposed constitutional reform that would expand the scope of military justice. Through an analysis of applicable international human rights and humanitarian law norms, including jurisprudence developed by the Inter-American Human Rights Court and decisions handed down by the UN Human Rights Committee, the Office indicated that the proposed constitutional reform was in violation of Colombia’s human rights obligations. The Court issued its final decision in August 2013 and resolved to strike down the constitutional reform on procedural grounds.

In Guatemala, OHCHR organized high-level meetings with members of the Constitutional Court and international experts. In line with the international standards discussed at these meetings, the Court developed the doctrines of “constitutional block” which allows for the constitutional protection of rights that are not expressly affirmed in the Constitution and “conventionality control” which seeks to harmonize domestic legislation and government acts with international standards and jurisprudence. Moreover, with the support of OHCHR, the Constitutional Court published an online thematic database in 2012 of international standards and recommendations emanating from human rights mechanisms.

**Compliance of national legislation and policies with human rights**

**Torture**

In Uganda, in cooperation with the Uganda Human Rights Commission (UHRC) and civil society organizations in the framework of the Coalition against Torture, OHCHR analysed draft legislation on the prevention and prohibition of torture and undertook advocacy in Parliament. The resulting Prevention and Prohibition of Torture Act, adopted in 2012, is coherent with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
In Afghanistan, following a report published by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA), entitled Treatment of conflict-related detainees in Afghan custody: One year on, the President established a fact-finding presidential delegation to investigate the allegations of torture and ill-treatment reflected in the report. The President endorsed the recommendations of the delegation and subsequently issued Presidential Decree No. 129, ordering several State authorities to investigate allegations of torture, prosecute alleged perpetrators, release detainees and prisoners held in arbitrary detention and ensure their access to defence lawyers and medical personnel.

In Paraguay, OHCHR advocated for the revision of legislation on torture and provided technical advice, including through trainings, workshops and publications. These initiatives were undertaken with the UN Subcommittee on Prevention of Torture (SPT), the Human Rights Committee, UN partners and other international experts. The Parliament subsequently approved the legislative changes, which included a definition of torture in compliance with international standards.

**Death penalty**

During the biennium, OHCHR continued to advocate for the abolition of the death penalty. In June 2012, OHCHR held a global event in New York on moving away from the death penalty, focusing on lessons learned from national experiences. In June 2013, the Office organized a similar high-level event highlighting the increasing number of wrongful convictions in death penalty cases, with a particular focus on the worldwide failure of judicial reviews to find errors in death penalty cases. At the 5th World Congress against the Death Penalty in June 2013, the High Commissioner urged all States that apply the death penalty to impose a moratorium.

In 2012, Singapore abolished the mandatory imposition of the death penalty, the President of Myanmar commuted 150 death sentences and the Government of Thailand prohibited the use of shackles on death row prisoners. In October 2013, in cooperation with the Ministry of Justice of Thailand, OHCHR organized a regional expert meeting on moving away from the death penalty in South-East Asia. At the meeting, the Ministry of Justice announced that the Government would soon propose legislation to abolish the death penalty.

Pending abolition of the death penalty, OHCHR has advised retentionist States, including Bahrain, Bangladesh, Egypt, India, Indonesia, Iran, Iraq, Japan, Libya, Maldives, Nigeria, Papua New Guinea, Pakistan, the State of Palestine, Saudi Arabia, Singapore, Somalia, South Sudan, United States of America and Viet Nam, on the implementation of international standards guaranteeing the protection of the rights of those facing the death penalty and on the establishment of a moratorium pursuant to respective General Assembly resolutions. These processes have, for example, contributed to the reintroduction of a moratorium on the death penalty in Pakistan.

**Security and counter-terrorism**

The High Commissioner continued to raise concerns regarding the adoption and implementation of broadly formulated national counter-terrorism legislation and the abusive use of counter-terrorism legislation by authorities to curb otherwise
legitimate activity. Serious human rights violations in the counter-terrorism context, as well as the failure of many States to ensure accountability for past violations, including torture and involvement in renditions, were addressed by the Office through advocacy undertaken at headquarters and in the field.

Moreover, OHCHR supported efforts by States, as part of an holistic and effective counter-terrorism strategy, to ratify and implement all international human rights treaties. 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, detention, the proscription of organizations and the right to a fair trial and due process in the context of countering terrorism. Together with the CTITF Office, OHCHR conducted a series of regional expert workshops on the latter issue. Technical assistance was provided by OHCHR, in cooperation with various partners, to States and other stakeholders in the Middle East, North Africa and the Sahel and in South Asia on the development and implementation of human rights-compliant counter-terrorism legislation and other security-related policies and practices.

**Peaceful assembly and association**
In Uganda, OHCHR cooperated with the Uganda Human Rights Commission and civil society organizations to provide legal analysis and advice concerning the Public Order Management Act adopted in 2013. The text consequently incorporates provisions that reflect human rights standards on freedom of peaceful assembly and association. OHCHR has identified a number of remaining concerns to be raised with the police, with a view to ensuring they are addressed through related regulations and standards of procedure.

**Human rights defenders and journalists**
In several countries, OHCHR provided support to the development and implementation of legislation and policies aimed at protecting human rights defenders and journalists. For instance, in Mexico, OHCHR provided extensive technical advice on the drafting of the Law for the Protection of Human Rights Defenders and Journalists, which entered into force in June 2012. The Law creates a National Mechanism that provides protective measures to guarantee the life, integrity, security and freedom of human rights defenders and journalists. As of November 2013, the National Mechanism had received 98 requests for protective measures, yet had only reviewed and approved measures in 32 cases. OHCHR will continue to provide technical advice and trainings to the National Mechanism, in particular concerning the analysis of risk and protection plans.

In Guinea-Bissau, a National Human Rights Defenders Network was established in 2013 with the support of OHCHR. The Network aims to reinforce the protection of human rights defenders and mitigate the risks to which they are exposed. In Honduras, a bill was drafted related to the creation of a protection mechanism for human rights defenders and journalists. OHCHR provided comments to ensure the compliance of the text with relevant international human rights standards.

**Human rights action plans**
Also in Honduras, the Executive Branch approved the first National Action Plan on Human Rights, which is based on international human rights norms and standards and the recommendations issued by treaty bodies and special procedures. OHCHR supported the Ministry of Justice and Human Rights by providing advice and technical support in drafting the Plan. To facilitate the implementation of the Plan, OHCHR convened workshops for representatives of various ministries to ensure its inclusion in their annual work plans for 2014.

In Paraguay, the National Human Rights Action Plan (NHRAP) was adopted. OHCHR assisted the authorities with the drafting through workshops, trainings, seminars and awareness-raising activities. OHCHR promoted the application of a
participative methodology for the design of public policies, such as the NHRAP, which facilitated an unprecedented level of participation by marginalized and discriminated groups and provided them with an opportunity to influence decision-making processes. OHCHR also contributed to the exchange of experiences between Indonesia, Malaysia and Thailand on the development of national human rights action plans. Following the suggestion of OHCHR, Malaysian officials visited Thailand to learn from their experience in developing a plan.

**Strengthening human rights compliance by judicial and law enforcement institutions**

In all regions, OHCHR provided human rights training and technical assistance to the judiciary, prosecutors, lawyers, police and other security forces, including military forces, to enhance their awareness of and compliance with international human rights standards. For instance, with the support of OHCHR, judicial academies in Chile, the Dominican Republic and Peru incorporated human rights trainings in their curricula. In Kenya, OHCHR support ensured that the 2013-2016 Judiciary Transformation Framework incorporated capacity-building of judges to ensure that they apply international human rights standards in their decisions, particularly in the area of economic, social and cultural rights.

In Guatemala, as a result of OHCHR monitoring, technical assistance and training, the Attorney General’s Office, the judiciary and the Constitutional Court have increasingly applied international human rights norms and standards in legal proceedings and court decisions, including in transitional justice cases and cases relating to the rights of indigenous peoples. In Bolivia, the capacity of the Judicial Council to comply with international standards on judicial independence was strengthened through a revision of the “rules of the judicial career” and through technical assistance provided regarding the implementation of the disciplinary rules and monitoring the quality of the process.

The Georgian Bar Association developed a human rights course for its training centre. OHCHR supported this by conducting trainings and translating into Georgian the OHCHR Facilitators Guide and the OHCHR training series manual on Human Rights in the Administration of Justice.

In Haiti, the Police Academy incorporated human rights into the curriculum of its basic training programme. OHCHR contributed by training a group of trainers in charge of delivering the human rights module and producing short videos as teaching aids. In Timor-Leste, in 2013, 248 new police recruits received training on international human rights standards by the Provedoria for Human Rights and Justice. OHCHR supported the training programme through six training sessions on human rights, including the human rights legal framework related to the use of force, arrest and detention and women’s and children’s rights, and by providing training materials.

In Tunisia, the Minister of Interior finalized the Code of Conduct of Human Rights and Law Enforcement in February 2014. OHCHR provided technical assistance in the drafting of the Code. Since 2011, approximately 7,000 law enforcement officials have been trained on relevant human rights norms and standards by OHCHR. This has contributed to improving the trust of civil society in the security services.

In Uganda, the number of civilians who are being tried by court martial has decreased. OHCHR contributed to this result through direct advocacy with the Uganda People’s Defence Force (UPDF) Division Court. The Office conducted routine monitoring of court martial proceedings, inspected military detention facilities and undertook advocacy with both the UPDF and the Uganda Police Force for the transfer of cases of civilians being held in military detention to civilian courts. In Nigeria, the capacity of the justice sector to deal with terrorism cases in compliance with international human rights standards was enhanced. In October 2012, the United Nations and the Commonwealth jointly organized a training programme for judges of the High Court of Nigeria and other officials. Through its participation, OHCHR ensured that human rights considerations were fully addressed in the training sessions.

**Prisons and other detention facilities**

As a result of monitoring, advocacy and technical support provided by OHCHR and other partners, the conditions and the treatment of prisoners in detention facilities have improved in several countries. For instance, in Puntland, Somalia, OHCHR monitored prisons and provided training and advisory services to local government officials, including prosecutors, judges, prison and correction officials, regarding compliance with international human rights and humanitarian law standards. In Somaliland, OHCHR contributed to a research programme on prisons and the publication of the outcome for government use. It also supported the revision of the Prisons Act.
In Cambodia, the General Department of Prisons adopted a strategic plan for 2014-2018, which provides a framework for prison management and the treatment of prisoners, and is more compliant with international human rights norms and standards. Since 2012, OHCHR actively engaged with the Department, including by submitting detailed comments on the draft plan and facilitating a consultative process during the drafting phase.

Moreover, cooperation between the police, courts and prisons improved in several provinces. OHCHR supported this by providing technical advice and participating in numerous meetings among various actors across the country.

In Togo, OHCHR funded two Criminal Court sessions in Lomé and Kara which helped resolve the excessive pre-trial detention of 70 detainees in

**Finally released after being acquitted for the second time**

At the end of 2009, the Court of Appeal in Cambodia had a backlog of nearly 3,400 pending cases, both civil and criminal. The Court did not have enough judges, clerks or space to effectively address the situation. Since 2007, improved case management and a more efficient use of the Court’s resources prevented the backlog from increasing. Yet, even with these positive changes, calculations demonstrated that if the Court continued hearing cases at the same pace, it could take up to nine years to clear the backlog. Efforts undertaken by OHCHR and the Court led to the raising of funds for a new building, additional office and court space and more equipment, thereby making it possible to accommodate more judges and clerks. A database was also introduced to manage new cases. OHCHR continued to seek other ways to assist the Court in yielding improved results and respect for human rights by the justice system.

Of particular concern is the backlog of criminal appeals, primarily relating to those persons who are being detained. When a prisoner is awaiting sentencing, prisons cannot fully implement the sentence, prisoners cannot apply for sentence reduction, parole or a pardon and release procedures are hampered. Long delays related to a pending appeal negatively impact on the rights of a prisoner. The right to appeal becomes meaningless when prisoners with pending appeals remain in detention for the same length of time as, or longer than, their first instance sentence. Long delays further affect their right to a fair trial as evidence can get lost, witnesses may die or can no longer be traced and memories about the event may fade. Finally, according to the Cambodia Code of Criminal Procedure, where prosecutors have initiated an appeal, prisoners must remain in detention until the Court of Appeal has decided on their case, including where the individual has been acquitted by the court of first instance, turning the presumption of innocence into a presumption of guilt.

With these concerns in mind, OHCHR supported the General Department of Prisons in carrying out a nationwide census of prisoners awaiting appeal in 2011. The census revealed that there were many prisoners across the country who had been awaiting an appeal for several years, some of whom had been waiting for up to 10 years, as well as tens of prisoners who had been acquitted in a court of first instance. OHCHR helped to process the census data and identify a number of priority appeal cases, which the Office shared with the relevant justice institutions. These cases typically included long-pending cases and appeals initiated by the prosecutor. OHCHR provided funding to two legal aid NGOs to enable them to offer legal assistance to the priority cases identified. One of these cases involved a young man named Makara.*

Makara was arrested and detained in October 2008 on a charge of murder. Following a trial in 2009, he was acquitted. The prosecution appealed and, as is the practice in Cambodia, Makara had to remain in detention until the appeal was decided. He felt betrayed by the justice system and was stressed because he knew he would have to spend a longer period of time in detention.

Before his arrest, he had worked as a fisherman with his father to provide for his parents and three siblings. He had no idea what a lawyer was or how one could help him with his case. The lawyer provided by one of the OHCHR-supported NGOs successfully re-investigated the case and provided witnesses to help prove his innocence. In late December 2012, the Court of Appeal upheld the decision of the court of first instance and acquitted Makara. On 15 January 2013, Makara walked out of prison a free man. His first comments were moving:

“My head feels dizzy being a free man. I have never been to Phnom Penh and it is so busy. It is strange to be free and out of my cell. There has been so much change.”

He spent an unnecessary four years in prison only to be acquitted a second time.

* Name has been modified to protect the identity of the individual.
several cases. Following the joint advocacy effort of the *Atlas of torture* project, which was implemented by a team led by a former Special Rapporteur on torture and OHCHR, the Council of Ministers adopted a decision to reduce the number of pre-trial detainees by 50 per cent by the end of 2012. As a result, 421 detainees were released in 2012 and another 562 in early 2013.

With a view to ensuring better protection for the human rights of all persons deprived of their liberty, OHCHR continued to contribute to the process of revising the Standard Minimum Rules for the Treatment of Prisoners, which was led by the United Nations Office on Drugs and Crime (UNODC).

**Fair trial indicators**

OHCHR continued to support the elaboration of indicators for evaluating the advances and impact of public policies on human rights. In Mexico, the OHCHR indicators framework was formally adopted by 32 local level judicial powers and the Tribunal of Justice of Mexico City produced two new volumes of data on fair trial indicators. The Prosecutor’s Office of Mexico City also undertook a participative process and formally adopted a set of fair trial indicators. Building on the positive experiences in Mexico, OHCHR initiated and supported similar processes in four Latin American countries. The results of these processes...
Unlawful detention in Yemen

Thirteen years ago, a 45-year old farmer named Aymen* was sentenced to amputation of his right hand for allegedly stealing a car. The Criminal Investigation Department Officers obtained his confession through the use of excessively violent methods. While the imposition of a sentence of amputation remains sanctioned by law in Yemen, it has not been carried out since 1991. In this case, the amputation was not undertaken and Aymen was held in detention from 2000 until 2013. Five years after he was first detained, his wife requested a divorce, his son was placed in an orphanage and his daughter was placed in the custody of an aunt in a distant village.

OHCHR raised its concerns about the case with the Prosecutor-General and the Prime Minister in May 2013. The advocacy efforts resulted in a presidential decision ordering the release of Aymen in June 2013. He is now looking for a job and would like to get his children back.

There are approximately 12 similar cases in Yemen and OHCHR is actively following up on them with the authorities.

* Name has been modified to protect the identity of the individual.

Human rights education

Human rights education is fundamental to contributing to the long-term prevention of human rights abuses and the establishment and strengthening of the rule of law and democracy by ensuring that all stakeholders, including civil society, are equipped with human rights knowledge and skills to enable them to better contribute to human rights protection.

Throughout 2013, OHCHR carried out or supported a vast array of human rights education, training and public information activities. At Laikipia University in Kenya, a new mandatory human rights course was launched for all undergraduate students. At Bolivia’s Plurinational School of Administration, a new master’s programme was established for civil servants to educate them, among others, on the prevention of discrimination and the adoption of inclusive approaches to public sector work. In Côte d’Ivoire, the technical and financial support provided by the Human Rights Division of the United Nations Operation in Côte d’Ivoire (UNOCI) to the Government, through the Ministry of Education, contributed to the addition of a course on Human Rights and Civic Education to the school curricula. Seven pilot human rights clubs were successfully set up in several basic education schools in Tunisia as a result of the close collaboration between OHCHR, other UN agencies and the Arab Institute for Human Rights. The clubs increase the students’ sensitivity and understanding of human rights principles, concepts and frameworks through a participatory approach.

During the biennium, OHCHR cooperated with two NGOs to produce a documentary film,
entitled *A Path to Dignity: The Power of Human Rights Education*, which highlights the impact of three human rights education programmes in Australia, India and Turkey. The film was shown at human rights film festivals in Bolivia, Canada and Switzerland and public events in other countries to raise awareness about the transformative effects of human rights education.

**Democracy and elections**

OHCHR supported national authorities, institutions and civil society organizations, including journalists, to strengthen their capacity to ensure respect for human rights during electoral processes through advocacy, training and awareness-raising, inter alia, in Guatemala, Guinea, Guinea-Bissau, Madagascar, Maldives and Timor-Leste.

In Côte d’Ivoire, the implementation of the Human Rights Division’s Human Rights and Elections Strategy, which included provisions for monitoring human rights incidents related to the electoral process, as well as capacity-building activities targeting security forces and civil society actors, contributed to the holding of relatively peaceful municipal and regional elections in 2013. In the context of the elections in Mali, OHCHR provided technical support to the Malian Women’s Platform to ensure transparent, non-violent and inclusive elections with the effective participation of women during all stages of the electoral process. OHCHR provided technical support to the implementation and functioning of the Platform.

In Cameroon, OHCHR engaged in advocacy with the Election Monitoring Body and undertook capacity-building with civil society organizations working in the area of democracy and human rights to enable them to advocate for equal rights for women in political processes. OHCHR also trained 130 journalists in Cameroon in 2013 on human rights and elections, focusing on their role in contributing to peaceful electoral processes and preventing violent situations. OHCHR also facilitated the exchange of experiences between Cameroonian and Congolese civil society organizations working on the political participation of persons with disabilities.

**Increased engagement of national human rights institutions in addressing impunity**

National human rights institutions and ombudsperson institutions are playing a key role at the national level to promote compliance of States with their international human rights obligations, as well as to combat impunity and promote the rule of law. OHCHR advocates for and supports the establishment and strengthening of NHRI’s in compliance with the Paris Principles.

**Establishment of NHRI’s**

In Niger, the National Human Rights Commission (NHRC) was formally inaugurated in May 2013.

The Laikipia University in Kenya launched a new first-year course on human rights for all of its undergraduate students. The course meets all international human rights standards yet is also sensitive to the peculiarities of Kenya’s legal system. It aims to inculcate the values, beliefs, attitudes and knowledge of future leaders to encourage them to uphold their own rights and those of others.

“Human rights education contributes to promoting the dignity of all human beings and to building societies where human rights are valued and respected,” said the UN Resident Coordinator for Kenya. The Resident Coordinator stressed, “[t]aking cognizance of the fact that universities are fountains of knowledge and best suited as avenues for valued transformation of society, the UN system in Kenya commends Laikipia University for accepting to revise its curriculum in order to inculcate in its students the values and principles of human rights underlined by the Kenyan 2010 Constitution.”

The pilot programme will gradually be introduced in five other Kenyan universities that have requested OHCHR’s support in devising a course outline.

Malians vote during the presidential election, July 2013.
Legislation establishing the Commission was adopted and promulgated in 2012 in compliance with the Paris Principles, including by providing guarantees for the Commission’s independence and financial autonomy. OHCHR and the UNCT advocated for the establishment of the NHRC, carried out trainings on the Paris Principles and provided technical advice and guidance. In Somalia, the Government adopted legislation for the creation of a commission for human rights in June 2013. The bill is before the Parliament for possible adoption in 2014. The UNSOM Human Rights Component presented parliamentarians with an assessment of the bill’s compliance with the Paris Principles and recommended that broader consultations take place with the regions and civil society. In Benin, following advocacy and technical support provided by OHCHR, new legislation was adopted by the National Assembly establishing a NHRI in compliance with the Paris Principles. OHCHR continues to advocate for the adoption of a decree appointing members of the new committee.

In Iraq, the Independent High Commission for Human Rights was formally established with the appointment of 14 commissioners in April 2012 and since that time has commenced its work. Both the Iraqi Constitution and the law enabling the NHRI comply with international standards. UNDP and the Human Rights Office of the United Nations Assistance Mission for Iraq, in partnership with the Commission, carried out capacity-building activities for the commissioners and their staff, including the elaboration of a plan of action on capacity-development for 2014-2015.

In Yemen, the Cabinet approved the draft law on the establishment of the NHRI on 13 September 2013. Since 2012, OHCHR has been actively involved in capacity-building and advocacy activities, including the organization of six workshops to support the development of the draft and provided technical advice on compliance with the Paris Principles.

As the last version of the draft was not fully in compliance with international standards, the Office will continue to provide technical advice to encourage improvements to the draft.

**Increased compliance with Paris Principles and strengthening of existing NHRIs**

OHCHR continued supporting NHRI s and Ombudsperson Institutions to increase their compliance with the Paris Principles in several countries. In 2012, the Uganda Human Rights Commission was awarded the best NHRI in Africa by the African Commission for Human and Peoples’ Rights and its ‘A’ status was renewed by the International Coordinating Committee of National Human Rights Institutions (ICC-NHRI) in May 2013. In the 2012-2013 period, the Commission strengthened its capacity for human rights monitoring, reporting and advocacy, as well as its advisory function. OHCHR contributed to that achievement through financial support and by undertaking joint projects and activities, including the development of a manual for the documentation of serious human rights violations during the Lord’s Resistance Army conflict in northern Uganda and the provision of advice and training on witness protection. Similarly, in Sierra Leone, the Human Rights Commission will enjoy ‘A’ status accreditation until 2016. The Human Rights Section (HRS) of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) has consistently provided financial and technical support since the establishment of the Commission and in 2013, focused on strengthening the Commission’s monitoring capacity.

The Ombudsperson Institution in Kosovo increased its capacities to handle cases and promote human rights in 2013, including through the opening of two new regional offices and increasing its staff. OHCHR,

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2 All references to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.
in close cooperation with civil society organizations, the Council of Europe and the European Union, supported the Institution through capacity-building activities, technical support and joint initiatives.

In Ecuador, the NHRI increased its compliance with the Paris Principles in the area of human rights protection and is now in a better position to interact with international human rights protection mechanisms. A new Ombudsman, appointed in December 2011, started a restructuring process aimed at strengthening institutional capacities for the protection of human rights. OHCHR supported this process primarily by developing two training courses on human rights, providing guidance during the early stages of the restructuring process and extending technical assistance to improve the information system on cases assisted by the NHRI.

In December 2013, the ICC-NHRI accorded ‘A’ status to the Haitian NHRI. During the reporting period, OHCHR financed two field agents, provided a consultant to help develop reporting capacities and conducted two month-long trainings on monitoring.

OHCHR continued to support the Myanmar National Human Rights Commission (MNHRC) with a view to promoting compliance with the Paris Principles. The draft enabling legislation passed both houses of the Parliament in August 2013 and March 2014, respectively. During the year, the Commission spoke out against ill-treatment and torture, visited a number of prisons and issued statements highlighting the findings of its visits to ethnic minority areas. OHCHR facilitated the discussions between the MNHRC and civil society on the promotion of human rights instruments and their engagement with international mechanisms.

In Senegal, OHCHR provided technical and financial support related to reform of the legislation establishing the Senegalese NHRI in order to bring it in line with the Paris Principles. The draft law was officially transmitted to the Minister of Justice.

Support provided to the establishment of other bodies promoting human rights

OHCHR continued to support the efforts of States to establish bodies other than NHRIIs that are tasked with the promotion and protection of human rights at the national level. For instance, in Colombia, the National System of Human Rights and International Humanitarian Law established a State institution that is mandated to design a human rights public policy in a comprehensive and coordinated manner and is based on international standards. In Peru, the Vice-Ministry for Human Rights and Access to Justice was successfully established with the active support of OHCHR, which included the provision of legal advice and the facilitation of a regional seminar to exchange lessons learned and gather best practices in human rights institution building. In 2013, the Vice-Ministry became fully operational and took the lead in promoting a human rights agenda.

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

In Yemen, following advocacy undertaken by OHCHR, the National Commission of Inquiry was established through a presidential decree in September 2012. The Commission is mandated to investigate human rights violations committed in 2011.

In Guinea-Bissau, at the National Conference on Impunity, Justice and Human Rights held in July 2013, conference participants, including representatives of the Government, adopted recommendations related to the: establishment of an international and independent commission of inquiry into past gross human rights violations; ratification of the Rome Statute of the International Criminal Court; establishment of national measures for victim and witness protection; and, in future, thorough investigation of violations. The National Conference was held as a follow-up to a Regional Conference in Bamako in December 2011 and was organized by the transitional authorities with the assistance of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) and technical and financial support from OHCHR, the UNDP Global Programme on the Rule of Law and the Economic Community of West African States (ECOWAS) Court of Justice. UNIOGBIS, in consultation with OHCHR and other stakeholders, subsequently developed a project for the implementation of the recommendations in 2014. In Guinea, OHCHR provided technical and logistical support to the judges investigating the intercommunal violence of mid-July 2013. Following fact-finding missions, OHCHR shared relevant information with the judges, put them in contact with victims of the violence, with the consent of the individuals concerned and contributed to efforts to inform them of their right to a remedy. To date, the judges have received approximately 1,000 complaints and have heard around 100 individuals.

In Timor-Leste, the Office of the Prosecutor investigated numerous alleged violations by security forces, as well as cases of gender-based violence. Many of the investigations resulted in the identification of members of the security forces as
suspects. The Human Rights and Transitional Justice Section of the former United Nations Integrated Mission in Timor-Leste (UNMIT) monitored the cases and submitted written information on the allegations to the Prosecutor’s Office.

OHCHR also continued to support authorities in strengthening national capacities to protect victims and witnesses of international crimes and gross violations of human rights. In Uganda, a national Bill on witness protection was finalized. The bill takes into consideration Uganda’s obligations under international human rights treaties and proposes a witness protection mechanism which is compliant with human rights standards. In December 2013, OHCHR, in cooperation with the Uganda Law Reform Commission and in partnership with international courts and tribunals based in The Hague, organized a consultative workshop on the technical and practical aspects of establishing a national witness protection programme in Uganda.

In 2013, OHCHR developed a new rule of law tool related to victim and witness protection. The tool is intended to assist national authorities entrusted with the responsibility for victim and witness protection, members of civil society who are engaged in justice and accountability initiatives and domestic law reform processes, staff of UN agencies as well as others committed to and engaged with issues of human rights, justice and accountability. During a validation workshop organized by OHCHR, experts discussed the draft tool and suggested areas for further improvement. The tool will be published in 2014.

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), play a key role in the prevention of torture and ill-treatment.

In a number of countries, NPMs were set up under OP-CAT. Following its ratification of the OP-CAT in June 2011, Tunisia passed the Organic Law establishing the National Authority for the Prevention of Torture in October and launched a call for candidates in November 2013. OHCHR actively supported and participated in the adoption process through the provision of technical advice, the holding of national consultations among State and non-State actors and the creation of a drafting committee in charge of preparing a draft statute for the NPM.

In Brazil, in 2013, a Law was passed at the federal level establishing a System for the Prevention of Torture, which includes a NPM under the OP-CAT. OHCHR promoted revisions to the Law through advocacy activities, including high-level meetings with relevant authorities and presentations within the framework of Mercosur’s (the Common Market of the South) meetings of High-Level Authorities on Human Rights.

Transitional justice mechanisms (EA 3)

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

OHCHR supports a comprehensive approach to transitional justice, including national consultations, truth-seeking, criminal prosecutions, reparations, vetting and institutional reforms. During the period of 2012-2013, OHCHR provided relevant advice, assistance and training in many countries across the world. OHCHR also developed a publication, entitled Transitional Justice and Economic, Social and Cultural Rights in 2013.

In Timor-Leste, while accountability was limited for serious crimes and past human rights violations, steps were taken towards its enhancement in 2012 through the completion of investigations undertaken by the Office of the Prosecutor of approximately 80 per cent of the incidents identified for investigation and prosecution by the 2006
Independent Special Commission of Inquiry. UNMIT provided support to the Office of the Prosecutor by partially funding two international prosecutor positions to address, investigate and prosecute cases identified by the Commission of Inquiry, as well as related cases. UNMIT also conducted trial monitoring.

OHCHR continued to support the transitional justice processes in Nepal, including by preparing a commentary on the Truth and Reconciliation Commission Ordinance (March 2013) and its compliance with international standards. Subsequently, in January 2014, the Supreme Court ruled to strike down elements of the Ordinance and requested its redrafting in line with national and international standards. Moreover, the reports of the High Commissioner to the Human Rights Council outlined the progress made in implementation of the recommendations of Sri Lanka’s Lessons Learnt and Reconciliation Commission and suggested relevant transitional justice measures.

In Togo, the Truth, Justice and Reconciliation Commission (CVJr) completed its task in April 2012. Its final report contained an account of the activities undertaken by the CVJr, its findings and recommendations, including for a comprehensive reparations and reconciliation programme, which was endorsed by the President. In May 2013, the Government created the High Commission for Reconciliation and Strengthening of National Unity with the mandate to implement the CVJr’s recommendations, including its reparations and reconciliation programme. OHCHR has assisted the transitional justice process since its inception with substantial technical advice, guidance and training. After the termination of the CVJr, OHCHR supported the Government and civil society networks in the dissemination of the CVJr’s report. The Office also provided advice on the setting up of the follow-up mechanism tasked with implementation of the CVJr’s recommendations and promoted a credible, independent body that functions in accordance with international human rights norms and good practices on transitional justice.

Brazil’s Truth Commission was established and is conducting mandated investigations in an independent and autonomous manner. OHCHR contributed by providing technical support and advice. The Office also convened a workshop aimed at sharing best practices among truth commissions in the region. In Honduras, a Unit was created within the Ministry of Justice and Human Rights in charge of the implementation and follow-up to the recommendations of the report of the Truth and Reconciliation Commission. OHCHR contributed to the advocacy activities of the Unit and also provided funds for the hiring of national personnel and international experts.

In Tunisia, the Law on transitional justice referring to truth, justice, reparations and guarantees of non-recurrence was adopted in December 2013. OHCHR provided advice during the drafting process and ensured civil society organizations had the opportunity to discuss and formulate a common advocacy strategy. Nevertheless, the Law mainly focuses on the establishment of a truth commission and fails to comprehensively address institutional reforms and criminal prosecutions. Furthermore, provisions on arbitration and vetting are problematic from a human rights perspective.

In Libya, the promulgation of the Law on Transitional Justice constituted a positive development. The United Nations Support Mission in Libya and OHCHR provided advice during the drafting process to encourage compliance of the Law with international human rights standards and good practices. The adopted text represents a significant improvement over the previous legislation on transitional justice. The current Law, however, does not provide for a participatory selection process of commissioners and remains silent on several issues, such as the inclusion of a fair balance of women and minorities. OHCHR will provide extensive technical support to increase its compliance with international norms and standards.

In Afghanistan, UNAMA continued providing support to the Afghan People’s Dialogue on Peace. By the end of 2013, approximately 6,500 Afghans had been consulted across the country. The project is designed to promote a rights-based approach to enable all Afghans, including women, men, youth and minority groups, to express their views on prospects for peace, reconciliation, security, economic development, human rights, justice and the rule of law.

Representatives of transitional justice mechanisms and civil society in Côte d’Ivoire and Guinea increased their knowledge of international human rights standards and good practices, including participatory approaches. In Côte d’Ivoire, ONUCI and OHCHR assisted the Dialogue, Truth and Reconciliation Commission in the elaboration of an awareness-raising campaign and plan of action for the organization of national consultations. In Guinea, OHCHR carried out capacity-building activities for the Provisional National Reconciliation Commission.

In the Democratic Republic of the Congo (DRC), the database of profiles of military and police
By the end of 2012, 759 profiles were completed and as of 5 December 2013, 1,136 profiles were in the database. In 2013, the database was expanded to allow for more efficient access to the data and the search coverage of existing sources was improved. It is envisaged that the database will contribute to MONUSCO’s and OHCHR’s capacities to support the efforts of the Congolese authorities to bring perpetrators of human rights violations to justice and strengthen and reform DRC’s security and judicial institutions.

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

**Increased access to justice for individuals and groups facing discrimination**

In Kazakhstan, legislation was adopted in July 2013 on free legal aid. While only partially complying with recommendations from the UN Special Rapporteur on the independence of the judiciary, as well as the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the legislation represents an important step in ensuring the availability of legal aid for vulnerable persons in Kazakhstan. During the drafting process, OHCHR provided expert advice on the draft, raised awareness about relevant international standards in a series of round-tables and facilitated discussion among parliamentarians and lawyers on key provisions. These activities were also undertaken in coordination and partnership with the Soros Foundation, the European Union, the Kazakhstan Bar Association and the Legal Policy Research Centre, a national think tank.

In Azerbaijan, a draft law on legal aid was developed and finalized by a working group comprised of legal scholars, members of the Bar Association, independent legal experts and representatives of international organizations and civil society members. The draft law will be discussed by a parliamentary committee in 2014. Throughout the drafting process, OHCHR provided advice and guidance to members of the working group, focusing in particular on the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. OHCHR inputs resulted in the inclusion in the draft law of international human rights standards on the right to a fair trial, including the right to equality of arms and access to legal assistance.

In Papua New Guinea, OHCHR continued to raise awareness about and refer cases to the national human rights mechanism at the national courts, a fast-track procedure for dealing with human rights cases that was initiated in July 2011. The mechanism makes it easier to commence proceedings in the courts, recognizes that human rights cases need to be given special priority and enables judges and court officials to systematically handle human rights issues, thereby improving access to justice. The mechanism was successfully used to prosecute a number of key human rights cases, including cases of killings and torture by the police and conditions of detention. In addition, OHCHR undertook research and consultations that formed the basis of a report on sorcery-related killings of women. The report contains recommendations on improving access to justice mechanisms for victims of sorcery-related violence and addressing impunity for perpetrators.

In Uganda, as a result of monitoring activities, OHCHR identified the shortage of judges, prosecutors and poor communication between courts, police and witnesses as major obstacles to efficiency of the local justice system and access to justice. Following advocacy undertaken by OHCHR, the chief magistrate’s court increased its rate of case disposal and consequently achieved a decrease in the case backlog.

**Participation (EA 5)**

In Cambodia, NGOs, community-based organizations and trade unions increased their understanding of the Law on Peaceful Demonstrations and its implementation guide as well as international standards on the rights to freedom of expression and assembly. OHCHR contributed to this through the provision of trainings on the Law in five provinces for a total of 163 participants. In addition, OHCHR conducted a one-day training session in Phnom Penh on monitoring the right to peaceful assembly for 170 staff members of organizations in the Cambodian Human Rights Action Committee.

**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 United Nations human rights mechanisms to combat impunity in critical human rights situations**

The High Commissioner contributed to increasing the prominence of human rights and the accountability aspects of crises through her interventions at the
Security Council on the situations in the Central African Republic, Libya, Mali, the State of Palestine, Sudan and South Sudan and Syria. In her address to the open debate of the Security Council on women, peace and security in October 2013, the High Commissioner emphasized that the re-establishment of the rule of law and transitional justice processes are crucial to ensuring accountability and delivering justice, truth and reparations for violations suffered by women. In her address to the Counter-Terrorism Committee of the Security Council, also in October 2013, the High Commissioner urged the Committee to contribute towards ensuring that States’ counter-terrorism practices comply with their obligations under international human rights law, including as a question of effective prevention. In her statement to the open debate of the Security Council on the protection of civilians in armed conflict, the High Commissioner reiterated the need for States to respect their obligations under international human rights and humanitarian law and to hold accountable those who violate these obligations.

In 2012, OHCHR, in cooperation with other relevant entities, contributed to ensuring that the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (A/RES/67/1), adopted by the General Assembly on 24 September 2012, included a reaffirmation of the commitments of Member States to human rights and the rule of law. Member States also made important individual pledges on issues ranging from: the independence of the judiciary; ensuring equal access to justice, including for the most vulnerable; transitional justice; as well as other measures for combating impunity and ensuring accountability.

Throughout 2012-2013, the High Commissioner continued to advocate globally through public statements and speeches on the need to investigate human rights violations, ensure the accountability of those found responsible and provide reparations to victims.

The High Commissioner also engaged with Member States during sessions of the Human Rights Council, while on mission in numerous countries and during high-level bilateral meetings in Geneva and New York, to advance the responsiveness of the international community on accountability situations. OHCHR also supported the establishment of and provided advice to commissions of inquiry and fact-finding missions, which led to increased coherence in approaches and methodology, as well as consistency in the application of the international legal framework. Commissions of inquiry established by national and international bodies made critical contributions by providing independent, factual accounts of events to inform international action and establishing accountability for serious human rights violations. For instance, OHCHR supported the Commission of Inquiry on the Syrian Arab Republic to investigate allegations of serious violations of human rights and international humanitarian law in Syria through the provision of advice on investigation methodology and tools for recording, analysing and archiving information. OHCHR also supported the Commission of Inquiry on Democratic People’s Republic of Korea, developing its terms of reference, programme of work and methodology.

OHCHR carried out fact-finding missions in the Central Republic of Africa (July 2013) and Mali (March 2013) to map gross human rights violations. On this basis, OHCHR presented reports to the Human Rights Council, including recommendations.

OHCHR continued to assist Member States, in line with the comprehensive approach set out in the Global Counter-Terrorism Strategy, in their efforts to adopt and implement counter-terrorism policies and strategies that are compliant with their international human rights obligations. In April 2013, for example, OHCHR and the Geneva Academy on International Humanitarian Law and Human Rights jointly organized an expert-level meeting at Wilton Park, entitled Drone Strikes Under International Law. These discussions, which benefited from the views of experts from military, weapons technology, human rights, humanitarian, security and legal fields, addressed human rights concerns related to drone strikes and contributed to the clarification of applicable international law and standards.

OHCHR has worked to enhance the coherence and effectiveness of the UN in supporting the rule of law and human rights-compliant counter-terrorism policies as an active member of the Counter-Terrorism Implementation Task Force, in particular as Chair of its Working Group on Protecting Human Rights while Countering Terrorism. In October 2012, the Working Group launched a 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. Together with the CTITF Office, in 2012 and 2013, OHCHR organized needs assessment
workshops in Amman (Jordan) and Ouagadougou (Burkina Faso) for Member States in the Middle East, North Africa and the Sahel region and West Africa. Member States, including Burkina Faso, Egypt, Mali, Nigeria, Tunisia and Yemen subsequently expressed interest in receiving training under the project. Training modules were developed and the roster of experts was established.

Challenges and lessons learned

Assisting States to strengthen the rule of law and combat impunity is a challenging task, particularly because sustainable progress requires long-term efforts. Institutional transformation is a slow process, even for fast-transforming countries. Thus, OHCHR’s work in this area requires the commitment of sustained efforts and resources.

During 2012-2013, OHCHR actively contributed to the ongoing efforts of the UN and the wider international community to strengthen the rule of law and combat impunity. While some progress was made at the international level, including through the development of new standards and renewed political commitments, sustained efforts to ensure appropriate responses to critical human rights situations and impunity-related issues must continue.

Strategic efforts to address challenges must also be made at the national level. Bearing in mind global trends, it is expected that demands for support to strengthen the rule of law and accountability and combat impunity will continue to increase. OHCHR’s capacity to effectively respond to such requests will need to be expanded.

Further sustained efforts are needed to create the conditions for national justice systems to protect human rights and ensure access to justice for all, including members of the most vulnerable groups and those most subject to discrimination. While progress has been made to assist States in ensuring accountability for violations of human rights and international humanitarian law, additional efforts are required to secure the commitments of States to counter impunity and strengthen national capacities to investigate and prosecute international crimes. OHCHR will also need to continue its advocacy and strengthen its capacity to assist States in developing and implementing comprehensive transitional justice strategies, including through an increased focus on the implementation of recommendations resulting from transitional justice processes.

In this context, engagement with local, national, regional and international actors remains key to maximizing OHCHR’s impact in combating impunity and strengthening accountability, the rule of law and democratic society. In addition, adequate resources are required in order to respond to requests for technical assistance and the provision of expert legal advice, including in relation to the drafting and amendment of relevant legislation.

OHCHR must enhance its capacity to assist States in: supporting judicial institution-building and reform efforts; guaranteeing legal and judicial protection of economic, social and cultural rights; developing counter-terrorism strategies that are compliant with international obligations, including due process and fair trial guarantees; addressing human rights challenges posed by new technologies; enhancing protection of the rights of persons deprived of their liberty; and reducing the scope of application of the death penalty through ongoing advocacy and technical assistance.

In light of the scope of the above-mentioned challenges, a coordinated, coherent and responsive approach to combating impunity and strengthening the rule of law and accountability is needed throughout the world and will remain crucial to the success and impact of the Office’s rule of law activities.
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

Human rights, development, and peace and security are the three fundamental, interdependent and interrelated pillars of the UN system. The 2000 Millennium Declaration, the 2005 World Summit, the 2010 Millennium Development Goals (MDGs) Review Summit and the 2012 Rio+20 Conference reinforced these intrinsic linkages and committed the international community to a vision of human rights-based development. The recent global financial, food and oil crises, coupled with rising inequalities within and between countries, have fuelled a powerful global social movement for human rights.

Economic, social and cultural rights (ESCRs) and development are distinct concepts. Civil and political rights are equally relevant to development, as is the 1986 Declaration on the Right to Development. However, for editorial reasons, we are reporting on both development and on economic, social and cultural rights in this chapter.

The MDGs offered a global framework for reducing poverty and monitoring progress that was supplemented by a small number of measurable socio-economic indicators. Yet, they fell well short
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of the human rights vision and principles of the Millennium Declaration from which they were derived. As recognized in the UN Declaration on the Right to Development, the human right to development is holistic. It entitles all persons to economic, social, cultural and political development, participation in relevant decision-making processes and an enabling environment for development. Since 2012, the Secretary-General has initiated a number of important consultation processes and advisory mechanisms to support Member States in elaborating the post-2015 development framework, including the UN System Task Team on the post-2015 UN Development Agenda and the High-Level Panel of Eminent Persons on the post-2015 Agenda. All of these processes have urged the establishment of an explicit human rights-based vision and framework as the hallmarks of the post-2015’s legitimacy and effectiveness.

Human rights are at the core of people’s demands for a genuinely transformative post-2015 development agenda. Structural and not cosmetic change is urgently needed. The litmus test for development must not be confined to a narrow set of indicators or economic growth. Rather, it must be based on the degree to which development strategies satisfy the legitimate demands of people for freedom from fear and want and for a life of dignity. This calls for a reconceptualization of development strategies and priorities, as well as the further development of practical tools and the application of human rights indicators to measure development efforts, progress and outcomes.

During the past two years, a vast array of stakeholders has demonstrated an increasing interest in the dissemination and application of the Guiding Principles on Business and Human Rights. The Guiding Principles were endorsed by the Human Rights Council in June 2011 as an authoritative framework for both States and business to address the impacts of business activities on human rights.

The financial crisis and consequential austerity measures have had a dramatic impact on the full enjoyment of all human rights, including economic, social and cultural rights. This highlights the importance of protecting ESCRs at the international and national levels, including through the ratification and implementation of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). This represents significant progress achieved towards enhancing the accountability for and justiciability of economic, social and cultural rights.

**OHCHR’s role**

Promoting the integration of human rights, including the right to development, in development and poverty reduction activities is a core part of OHCHR’s mandate, with a focus on the poorest and most marginalized groups of society. This mandate is pursued through thematic research, policy formulation, advocacy and capacity-building activities. OHCHR has been an active participant in and contributor to the global debates, consultations and deliberative processes established to define the post-2015 development agenda. The High Commissioner’s global leadership role makes OHCHR a natural focal point for facilitating mutually enriching multidisciplinary dialogues and exchanges between human rights advocates, development practitioners, economists and statisticians and the broader public.

The High Commissioner is also mandated to promote and protect the realization of the right to development and generates support from relevant bodies of the UN system for this purpose. The General Assembly’s annual resolutions request the High Commissioner to undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions.

OHCHR works to mainstream human rights, including the right to development, within UN development policies, guidelines, operational activities and assistance frameworks by strengthening the UN’s leadership on human rights at the country level and promoting the application of a human rights-based approach to programming. As part of this effort, OHCHR chairs the United Nations Development Group’s Human Rights Mainstreaming Mechanism (UNDG-HRM), which was established in 2009 to institutionalize human rights mainstreaming in the UN’s development assistance efforts. A Multi-Donor Trust Fund (MDTF) supports the work of the UNDG-HRM. As of the end of 2013, a total of US$8.6 million had been mobilized for activities to strengthen national capacities to realize human rights.

In recent years, OHCHR has strived to highlight the equal status and importance of economic, social and cultural rights relative to civil and political rights and to emphasize their interdependence, indivisibility and inalienability. OHCHR’s outreach and advocacy remain instrumental to promoting the ratification of the OP-ICESCR and to raising awareness about the
content of the Optional Protocol among civil society and other relevant actors. OHCHR also promotes the application of the Guiding Principles on Business and Human Rights and supports the Working Group on the issue of human rights and transnational corporations and other business enterprises.

OHCHR’s work contributed to the following key results achieved during the 2012-2013 biennium.

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

During the reporting period, OHCHR has contributed to the achievement of notable results in approximately 30 countries and regions around the world, compared to the initial target of 21 countries of engagement.

*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*

OHCHR supported Member States in integrating human rights in national development policies, plans and budgets and in national consultations on the post-2015 development agenda. To this end, OHCHR has provided technical advice on a human rights-based approach to development policies and budget processes and helped build the capacities of national governments and civil society actors on the subject. For example, in Liberia, both the Ministry of Planning and Economic Affairs and the civil society recognized the importance of applying a human rights-based approach in monitoring development impacts and jointly endorsed human rights as the normative framework for monitoring the country’s Poverty Reduction Strategy II - the Agenda for Transformation (2013-2017). In addition, following OHCHR’s support, Ecuador’s new National Development Plan reflects and addresses human rights standards and principles in a holistic way and aims to reduce inequalities.

In 2013, the High Commissioner launched a new publication, entitled *Human Rights Indicators: A Guide to Measurement and Implementation*. With technical guidance from OHCHR, Member States, national human rights institutions (NHRIs), statistical agencies and civil society organizations from a range of countries made notable efforts to improve measurement and implementation of human rights in their local contexts, using the adopted human rights indicators framework. In Paraguay, for instance, a total of 71 indicators on the right to health, disaggregated by age, sex, ethnic groups, location, disability and people living with HIV, were developed under the leadership of the Executive Branch’s Human Rights Network, the Ministry of Public Health and Social Services and the Department of Statistics, Surveys and Censuses.

Significant advances were also made in Mexico, where a comprehensive National Human Rights Action Plan (NHRP) for the period 2013-2017 was elaborated with the participation of OHCHR, civil
society and academia. The NHRP identifies the implementation of the OHCHR methodological framework on human rights indicators as one of its objectives. The improvement of statistical systems and administrative registries on human rights is a mandatory component of the NHRP. Moreover, based on the conclusions of human rights assessments carried out at the local level, a Human Rights Action Plan has been elaborated and is being implemented in the state of Coahuila and a Plan is being elaborated in the state of Oaxaca. Indicators developed by these countries will contribute to the development of rights-based policies around the world, encourage the alignment of national policies with international human rights treaty commitments and strengthen the empirical grounds for human rights advocacy. OHCHR has also developed world maps to provide a visual overview of global human rights indicators, beginning with the ratification of international human rights treaties, providing an important platform to integrate a human rights perspective in international and national development agendas and related indicators frameworks.

OHCHR continued to promote and disseminate the application of the Guiding Principles on Business and Human Rights, which it published in 2012 along with The Corporate Responsibility to Respect Human Rights: An Interpretive Guide, and engaged in extensive outreach and capacity-building activities with stakeholders at the national level regarding their implementation. For example, OHCHR conducted training for UN and national partners in Mozambique on implementing the Guiding Principles. The training focused on outlining a baseline study on business and human rights that will form the basis for the development of a national action plan. As part of its outreach and capacity-building efforts, OHCHR also developed a comprehensive training package on the Guiding Principles and launched an online training module on the Principles for Responsible Contracts in order to provide guidance for negotiators of international contracts.

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

The Office has provided technical expertise, produced guidance tools and conducted training workshops to facilitate activities related to economic, social and cultural rights at the country level, including by building the capacities of national partners from governments, civil society, national human rights institutions, the UN system and other stakeholders.

In the Americas, for example, Ecuador developed an innovative “Atlas of Inequalities” database that maps persistent gaps in the enjoyment of economic, social and cultural rights and promotes more coherent and targeted public policies. In Guatemala, the Ministry of Labour strengthened its capacity to monitor the working conditions of agriculture workers in compliance with international labour standards. In addition, an operational manual for agricultural labour inspectors was elaborated, which contributed to strengthening the Ministry’s General Labour Inspectorate and improved its performance.

In the Pacific region, the Office has increased the awareness of stakeholders regarding the impact of trade liberalization policies on human rights, including by partnering with UNDP and WHO on the development of a publication. In Cambodia, with OHCHR’s support, parliamentarians and staff of the Ministry of Environment increased their understanding of the importance of and the need to
adopt an environmental impact assessment law in compliance with international standards.

In Central Africa and the Great Lakes region, an inventory of best practices was produced on monitoring economic, social and cultural rights in the context of the exploitation of natural resources. This result followed a high-level regional meeting of experts on human rights, conflict prevention and the exploitation of natural resources in Africa in 2013 that was organized by OHCHR and the International Conference on the Great Lakes Region.

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

OHCHR has accelerated the entry into force of the OP-ICESCR, including through its advocacy with Member States regarding ratification, strengthening national protection mechanisms and enhancing the capacity of civil society organizations and NHRIs to promote the use of domestic legal remedies in cases of violations. OHCHR pursued this strategy by strengthening the capacity of relevant professionals at the country level, such as judges, lawyers and civil society organizations, to encourage the legal protection of economic, social and cultural rights, including through the provision of training in relation to the justiciability of these rights.

In Guatemala, a civil society network with over 70 members from NGOs and academia was established to carry out analysis and exchange information on economic, social and cultural rights in relation to the Government’s budget, public policies and development strategies. OHCHR provided technical assistance to the network and promoted the use of the UN Principles and Guidelines on Extreme Poverty and Human Rights, the UN Guiding Principles on Business and Human Rights and provided expertise on economic, social and cultural rights litigation. With OHCHR’s support, the civil society network played an influential role in advocating for Guatemala’s ratification of the
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OP-ICESCR, which resulted in the Government’s submission of a formal legislative initiative to ratify the Optional Protocol.

In Tunisia, OHCHR partnered with Amnesty International to provide training for over 300 human rights defenders and representatives of regional coalitions of civil society organizations from four regions (the North-West, Centre, South-East and Mining Basin regions) on monitoring and advocacy related to economic, social and cultural rights and on ways to use national and international protection mechanisms. In addition to launching a campaign for Tunisia’s ratification of the OP-ICESCR, two human rights assessments of the local budgets of Jendouba and Gabes were carried out by these coalitions, with the participation of local mayors.

In Uganda, in 2012 and 2013, 75 civil society organizations began using a human rights case database that had been developed by OHCHR. In addition, a newly established National Coalition of Human Rights Defenders, along with over 30 other civil society organizations, received training on human rights, monitoring and reporting human rights violations and on engaging with the international human rights mechanisms. As a result, a number of civil society organizations produced periodic reports on the human rights situation and four different cases of violations of the right to health have been brought before the Constitutional and High Courts and the Human Rights Commission.

In the Central Asia region, a regional network of civil society organisations from Kazakhstan and Kyrgyzstan was established to work on and promote the right to adequate housing. In light of the lack of capacity and knowledge on housing rights in Central Asia, the objective of the network is to significantly improve the monitoring of legislation, policies and budgets, address specific cases of housing rights violations and engage with national and international human rights mechanisms.

Responsiveness of the international community (EA 10)

Increased integration of key human rights issues in global political debates and consultation processes to define the post-2015 development agenda

In 2012, OHCHR’s advocacy helped to ensure the integration of human rights in the discussions and outcomes of the Rio+20 process. The Rio+20 Outcome Document, The Future We Want,

Human rights indicators in Mexico

OHCHR’s indicators framework and substantive support have significantly contributed to the strengthened capacity of Mexico to monitor its compliance with international human rights instruments and standards. OHCHR’s report, Generating Human Rights Indicators: Regional Experiences, summarizes similar experiences in over five countries in the region and has been widely presented in Europe and Latin America.

To date, 32 local-level judicial powers in Mexico have formally adopted OHCHR’s framework. The Superior Tribunal of Justice of Mexico City produced two new volumes of Indicators on the Right to a Fair Trial of the Judicial Power of Mexico City, which identified Mexico City as a “human rights model city.” Similar volumes were produced by other states and the elaboration of fair trial indicators was formally approved and made compulsory at the federal level by the Supreme Court of Justice of Mexico and the Federal Judicial Council. Fair trial indicators are also being increasingly adopted by prosecutor’s offices and police forces.

Additionally, Mexico’s Ministry of Interior adopted OHCHR’s framework for measuring violence against women. The publication, How to Measure Violence Against Women in Mexico? Volume I: Structural Indicators, introduced 111 structural, process and outcome indicators to measure violence against women in the country, which were approved and validated by more than 180 national and international experts on the topic.

In partnership with the Ministry of Environment and Natural Resources, the National Commission for Water and the Mexican Centre for Environmental Rights, two new publications were published, entitled Structural Indicators on the Right to Water and Structural Indicators on the Right to Healthy Environment. The development of indicators related to the protection of journalists and human rights defenders, as well as the right to health, is being pursued.
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had a strong focus on reducing inequalities and emphasized the need to respect, protect and fulfil human rights and fundamental freedoms without discrimination. It further recognized the centrality of human rights to the international community’s conception of sustainable development, including specific recognition of the right to development and the human rights of women, indigenous peoples, minorities and older persons.

Since the Rio+20 Conference, OHCHR has been active in promoting all human rights, including the right to development, in the deliberations and processes to define the post-2015 development agenda through research, advocacy, global and national consultations and expert meetings. Human rights were further reinforced in the report of the Secretary-General’s High-Level Panel of Eminent Persons on the post-2015 Development Agenda, entitled *A New Global Partnership*, which included particularly strong proposals on civil and political rights, universality, accountability and equality. The report of the Secretary-General, *A Life of Dignity for All*, stressed that human rights should be part of the “far reaching vision” of post-2015 and that new goals and targets should take into account human rights and inequalities.

In the beginning of 2013, OHCHR and the Centre for Economic and Social Rights launched a joint publication, entitled *Who Will Be Accountable? Human Rights and the post-2015 Development Agenda*. In June 2013, the High Commissioner issued an open letter to all Member States calling for the implementation of a new universal and balanced development framework that addresses both "freedom from fear and want" in order to realize all human rights for all without discrimination. This letter and the publication have served as influential advocacy tools for OHCHR’s engagement with Member States, civil society and general public on the post-2015 development agenda.

Two of the UNDG’s consultation reports, *The Global Conversation Begins* and *A Million Voices*, highlighted the explicit call for human rights principles to be a central, non-negotiable part of the future development agenda. The reports summarized outcomes and recommendations of 11 global thematic consultations and over 80 national consultations organized by the UN on the post-2015 development agenda. OHCHR was active in many of these consultations and co-led the global thematic consultations on governance and accountability with UNDP. This consultation included a regional online outreach, an expert meeting on measuring governance and a global consultation meeting in March 2013 in Johannesburg, South Africa.

The UN System Task Team on the post-2015 UN Development Agenda, of which OHCHR is an active member and contributor, recommended that "human rights, equality and sustainability" be established as the three fundamental principles of the post-2015 development agenda. Following OHCHR’s active engagement and technical inputs, the Task Team’s report on *Statistics and Indicators for the post-2015 Development Agenda* recommended the integration of human rights
within the measurement framework for the post-2015 development agenda, taking into account OHCHR’s guide on human rights indicators. OHCHR also took a leading role in the UN Technical Support Team (TST) for the Open Working Group (OWG) on Sustainable Development Goals and ensured that human rights were a cross-cutting component of the UN’s thematic issue briefs and statistical notes for the OWG. OHCHR led the drafting of the TST issue brief on “human rights, including the right to development,” and contributed extensively to issue briefs and statistical notes on equality and social equity, governance and global partnership.

In terms of political advocacy, further advances were made in promoting human rights in intergovernmental deliberations. The High Commissioner addressed the General Assembly’s Special Event on the MDGs and the post-2015 Development Agenda in September 2013. The Outcome Document emphasized that the post-2015 development agenda should promote “peace and security, democratic governance, the rule of law, gender equality and human rights for all.” The High Commissioner was also invited to address the 6th session of the OWG in December 2013 on the subject of human rights, the right to development and global governance. Member States positively received the High Commissioner’s statement, which was delivered on her behalf by the Assistant Secretary-General for Human Rights. Importantly, the 6th session of the OWG resulted in a strong and clear agreement among Member States across all regions that human rights should underpin the new development agenda, including the Sustainable Development Goals.

In 2013, OHCHR launched a landmark book, entitled Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development, which brings together contributions from more than 30 international experts in this field. The book aims to promote increased awareness of and compliance with the right to development and offers practical guidance for implementing this right. Additional awareness-raising events were organized, including on the role of NGOs in development, international solidarity, investment policies, youth leaders, the human rights impact of trade and investment agreements and the negative impact of corruption on the enjoyment of human rights. OHCHR continues to support the intergovernmental Working Group on the Right to Development as it discusses criteria and sub-criteria related to the right to development.

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

OHCHR has actively advocated for the human rights of persons with disabilities, migrants and other groups, in global deliberations on the post-2015 development agenda. For example, the outcome document of the High-level Meeting on Disability and Development is strongly based on the provisions of the Convention on the Rights of Persons with Disabilities. Similarly, Member States adopted a rights-based Declaration at the conclusion of the General Assembly’s second High-level Dialogue on International Migration and Development. OHCHR has further supported a number of special procedures mandate-holders in relation to the post-2015 development agenda. For example, the Special Rapporteur on the right to water and sanitation developed concrete proposals for goals, targets and indicators for water and sanitation and the progressive elimination of inequalities in the post-2015 development agenda, within the context of the UNICEF and WHO Joint Monitoring Programme for water and sanitation.

To increase international awareness about the devastating impact of the financial and economic crises on human rights around the world and the human rights implications of financial regulation, OHCHR organized consultations with the financial standard-setting bodies in Basel, such as the Bank for International Settlements, the Financial Stability Board and the Basel Committee on Banking, as well as multiple expert meetings on the human rights impact of austerity measures and financial regulation. Furthermore, OHCHR devoted its 2013 report to the ECOSOC to a substantive analysis on the human rights standards applicable to austerity measures adopted in the context of the economic crisis, particularly on the right to social security.

A number of other important developments have occurred in thematic areas of OHCHR’s work, including the right to food and health. For example, with OHCHR’s sustained support, the Committee on World Food Security adopted Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security in May 2012, which were fully consistent with international human rights law. Moreover, OHCHR has become an increasingly influential voice within the UN on matters of sexual and reproductive health and rights. The international thematic conference on human rights in the context
of the International Conference on Population and Development (ICPD) Beyond 2014 Review process, co-organized by OHCHR in July 2013 with UNFPA and the Dutch Government, was significant in reaffirming the centrality of human rights in development – a message that resonated throughout a number of meetings and conferences in the lead up to the ICPD Review Process and was reflected in its outcome documents.

OHCHR organized the Annual Forum on Business and Human Rights, under the guidance of the UN Working Group on business and human rights, during which approximately 1,500 participants gathered to discuss trends and challenges in the implementation of the Guiding Principles and promote dialogue and cooperation on issues linked to business and human rights. OHCHR engaged with relevant regional institutions, including the European Union, the Organization of Economic Cooperation and Development and the Council of Europe to discuss the alignment of standards with the Guiding Principles and their implementation. As a result, the Council of Europe drafted a declaration of support for the Guiding Principles for submission to the Council of Europe Steering Committee for Human Rights. OHCHR also engaged with the International Organization for Standardization to align the implementation of ISO26000 Guidance on Social Responsibility with the Guiding Principles.

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
- Strengthening the UN’s leadership, advocacy and inter-agency collaboration on human rights

OHCHR successfully engaged with, and in some cases led, a range of UN inter-agency forums on...
development issues. The milestone outcomes achieved during the reporting period included a revised job description for the Resident Coordinator (RC) which elaborated specific human rights duties in line with recent policy developments (such as the Rights Up Front action plan of the Secretary-General) and revised UNDG guidance on how United Nations Country Teams (UNCTs) can help promote and protect human rights at the country level. These achievements were supplemented by OHCHR’s efforts in 2013 as co-convenor of the UNDG Resident Coordinator System Issues Working Group.

By 2013, the UNDG-HRM, chaired by the Deputy High Commissioner, had matured into a strong forum for system-wide policy dialogue, advocacy and country support. Important achievements included successful advocacy for the integration of human rights provisions in the 2012 General Assembly resolution on the Quadrennial Comprehensive Policy Review (QCPR). The QCPR resolution encouraged the UN to strengthen its normative role and its impartiality. The convening power of the UN, its operational linkages and place particular emphasis on supporting national initiatives for equitable, inclusive, transparent, participatory and accountable development processes, with a focus on people who are disadvantaged by poverty and other vulnerable groups.

A Multi-Donor Trust Fund was put in place to operationalize the UNDG-HRM work plan. By the end of the biennium, a total of US$8.6 million had been mobilized for the MDTF. This enabled the full implementation of the UNDG-HRM work plan in 2013, with a focus on high-quality country-oriented support. The deployment of human rights advisers (HRAs) to various RC’s offices is a central component of the HRM’s support. During the biennium, the UNDG-HRM established a roster of highly qualified candidates for HRA positions and decided on deployments to Bangladesh, Dominican Republic, Jamaica, Malawi, Maldives, Nigeria, Sierra Leone, Timor-Leste, United Republic of Tanzania and Zambia, as well as to the Regional UNDG Teams in Asia Pacific and Latin America and the Caribbean.

Catalytic funding support has also been allocated to UNCTs for capacity-building initiatives in the field of human rights in Costa Rica, Guinea-Bissau, Indonesia, Morocco, Myanmar, Turkey, Uruguay and Zambia. As a critical component of the work plan of the UNDG-HRM and OHCHR, steps have been taken to further strengthen the UN’s country-level leadership on human rights, including by updating the UN system’s policy guidance for RCs, developing a learning and support strategy that is tailored to both their needs and the revised RC job description, and developing a monitoring and evaluation framework for assessing

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**Stories from the field on human rights mainstreaming**

“One advantage that we have in our Delivering as One initiative lies in our ability to bring together under one policy agenda the specific agency mandates and how they relate to human rights.” – UN Resident Coordinator, United Republic of Tanzania

The UNDG-HRM’s publication, *Mainstreaming Human Rights in Development: Stories from the Field*, describes how human rights principles and mechanisms have been successfully incorporated into national development processes, drawing on the convening power of the UN, its normative role and its impartiality. The publication explains the work of six UNCTs, comprised of many different agencies, which has yielded positive results in diverse areas such as prison reform, addressing discrimination and integrating human rights in local water and sanitation development planning.

Following the recommendations issued by the Special Rapporteur on torture, the Government of Uruguay requested assistance from the UN to reform its prison system. The UNCT responded by devising a reform strategy for the prison system and supported strategic elements of its implementation, including training police officers, prison guards and civil servants, and advocating for an increase of the age of penal responsibility. UN agencies working in the Republic of Moldova, United Republic of Tanzania, and Viet Nam partnered with governments and local organizations to follow-up on recommendations from special procedures of the Human Rights Council on complex issues, including addressing discrimination and social inclusion in the Republic of Moldova and ensuring access to education for ethnic minorities in Viet Nam.

In the United Republic of Tanzania, the Universal Periodic Review provided an opportunity for UN agencies to support the Government in participatory consultations for development planning and implementation. In Kenya and the Philippines, international human rights standards and principles have been explicitly linked to development programmes and policies at the sectoral level (water and sanitation in the Philippines) and through the national development plan in Kenya.
the performance of UNCTs in applying a human rights-based approach to development programming. With close to 80 requests from RCs and UNCTs for diverse forms of support, there is a high demand and buy-in from UN field presences that far exceeds the financial capacities of the MDTF.

**Integrating human rights standards and principles, including on economic, social and cultural rights, into UN development policies and programmes at global, regional and country levels**

OHCHR continued to mainstream economic, social and cultural rights in its engagement with FAO, WHO, UN-Habitat and UN-Water, with regard to the rights to adequate housing, food, health, water and sanitation. More specifically, OHCHR mainstreamed human rights in the work of the UN-Habitat and the UN Housing Programme, inter alia, by engaging with the UN-Habitat Governing Body, during meetings with senior management and through capacity-building on human rights. As a result, UN-Habitat adopted a policy document, entitled *UN-Habitat commitment to the human rights-based approach to development*.

OHCHR organized a high-level panel discussion at the Human Rights Council on the integration of the Guiding Principles on Business and Human Rights in the UN system and on the role of the UN in advancing the business and human rights agenda in the context of the post-2015 Sustainable Development Goals, as mandated by Human Rights Council resolution 21/5. OHCHR has continued to provide human rights inputs to the High-Level Task Force on the Global Food Security Crisis, the UN Zero Hunger Challenge, the Inter-Agency Standing Committee and the UN Integrated Strategy for the Sahel.

A number of results can be reported at the regional level. For example, human rights were significantly reflected in a training package on protection for the Risk, Emergency, and Disaster Task Force Inter-Agency Workgroup for Latin America and the Caribbean (REDLAC), which was developed to standardize the reflection of protection concerns in trainings provided to UNCTs in humanitarian contexts. Substantive support was provided to the UNDG Eastern and Southern Africa Secretariat and Quality Support Assurance Team for various United Nations Development Assistance Framework (UNDAF) rollout and MDG Acceleration Framework countries in the region which ensured that their outcomes were linked with Universal Periodic Review recommendations.

At the country level, OHCHR was successful to varying degrees in mainstreaming human rights issues in the work of UNCTs, peace missions and humanitarian operations, particularly in relation to UNDAFs, UN joint programmes, UN agency-specific activities and thematic working groups. More specifically, 43 out of an initially targeted 47 countries\(^6\) have integrated human rights in their UNDAFs and UN programmes. Further mainstreaming results were achieved in 18 countries,\(^7\) which were not included in the targets of the OHCHR Management Plan 2012-2013.

\(^6\) Afghanistan, Armenia, Azerbaijan, Bolivia, Brazil, Burkina Faso, Cape Verde, Chad, Côte d’Ivoire, Djibouti, Ecuador, Ethiopia, Fiji, Georgia, Haiti, Honduras, Indonesia, Iraq, Kenya, Kosovo (all references to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo), Lao People’s Democratic Republic, Liberia, Madagascar, Mali, Mauritania, Mozambique, Myanmar, Paraguay, Philippines, Russian Federation, Rwanda, Samoa, Senegal, Serbia, Sierra Leone, South Sudan, Swaziland, Thailand, the former Yugoslav Republic of Macedonia, Togo, United Republic of Tanzania, Viet Nam and Zimbabwe.

Human rights and a human rights-based approach were consistently integrated in the UNDAFs and UN agency-specific programmes in Bolivia, Kenya, Paraguay and Ukraine and countries in the Pacific region and in the One UN programmes in Liberia, the Republic of Moldova and Rwanda. In relation to UN humanitarian operations and protection work, human rights significantly informed the work of UNCTs, Humanitarian Country Teams and relief agencies in Côte d’Ivoire, Haiti, South Sudan, State of Palestine and Sudan. Furthermore, UNCTs have increasingly supported the work of international human rights mechanisms and reflected their recommendations in the UNDAFs and joint programmes of Azerbaijan, Malaysia, Serbia, the former Yugoslav Republic of Macedonia and Togo.

The UN-Moldova Partnership Framework 2013-2017 includes extensive commitments to work towards the implementation of international human rights recommendations. The general comments of the Committee on Economic, Social and Cultural Rights formed the basis for action in social rights areas. In Paraguay, indigenous peoples’ and women’s rights were reflected in the UN policy on human development and the international community integrated human rights in their thematic areas of work related to governance, gender, health and education. In Sri Lanka, national and international human rights law, including the UN Guidelines on internally displaced persons, constitute the core framework for the work of the newly formed Durable Solutions Promotion Group, which addresses protection issues related to housing, land and property, livelihood, access to social services, poverty and other critical human rights issues of internally displaced persons.

Challenges and lessons learned

There is a powerful global call emanating from Member States and civil society across all regions that human rights should be a central, defining element of a new transformative post-2015 development agenda and must be integrated into its goals, targets and indicators. OHCHR has helped to advance this call and produced viable technical proposals on how a post-2015 human rights vision can be translated into action. The certainty of a successful post-2015 agreement, however, cannot be taken for granted. Between now and 2015, OHCHR will face greater demands for leadership and technical expertise, including “how to” guidance on measurement issues and ensuring that a post-2015 development agenda is an effective vehicle for accountability and equality. OHCHR will need to consolidate and build upon its existing achievements within increasingly difficult capacity constraints.

\* All references to Palestine should be understood in full compliance with United Nations General Assembly resolution 67/19.
The UNDG-HRM has achieved a great deal since its modest beginnings and the years 2014-2015 will see its work plan fully implemented. Human rights policy gains are not always warmly embraced and therefore need to be vigorously and consistently defended. OHCHR’s leadership and drive is integral to the success of the UNDG-HRM, along with an empowered and effective UN Development Operations Coordination Office. If the UNDG-HRM is to fully realize its promise, further effort will be required to expand its buy-in and build a stronger sense of shared responsibility among all UN agencies.

OHCHR’s human rights mainstreaming efforts will also need to further expand to encompass advice and support for the roles and responsibilities attributed to UN development entities under the Secretary-General’s Rights Up Front initiative. Key elements of this work will be the deployment of HRAs to critical country contexts, the rollout of a tailored human rights learning and support strategy for RCs, and the provision of quality assurance support to UNCTs in addressing human rights concerns in country analyses and UNDAFs.

Sustaining the gains of human rights mainstreaming during the pilot phase of the Delivering as One initiative for UN reform is another critical objective, particularly in light of the rapidly growing number of interested countries.

Challenges remain in the realization of the right to development, especially in the context of the continued politicization and polarization of intergovernmental debates. There is a need to enlarge the constituencies in support of the right to development and ensure the coherence of human rights-based policy in the global partnership for development. This will require the complete mainstreaming of all human rights, including the right to development, into the work of the United Nations system. The practical relevance of indicators, which serve as tools for moving from human rights standard-setting to implementation and measurement on the ground, has resulted in numerous requests for OHCHR’s support and demands for the compilation of indicators, both at national and international levels, posing significant capacity challenges.
Migration

Protecting human rights in the context of migration

Background

Today, there are more than 232 million international migrants in the world. If they came together to form a country, it would be the fifth most-populous. And yet, this population remains largely invisible and silent. Vulnerable migrants, those in irregular situations, who are poor and low-skilled, live and work in the shadows. They are afraid to complain, denied the rights and freedoms that other people take for granted and are disproportionately vulnerable to discrimination, marginalization, violence and xenophobia.

As the international community came together at the General Assembly’s 68th session in October 2013 to hold the second High-level Dialogue (HLD) on International Migration and Development, the High Commissioner for Human Rights called for a paradigm shift on migration. Even as reports reached the General Assembly’s session of horrific losses of life at international borders, she stressed that it was not acceptable that migrants should be made to pay with their lives for seeking to escape from grinding poverty, conflict or discrimination.

Yet, amidst reports of despair there was a glimmer of hope. The Member States unanimously adopted a Declaration on International Migration and Development that renewed their commitment to the protection of the human rights of all migrants, regardless of their migration status, and strongly condemned all manifestations of xenophobia, racism and intolerance. Member States agreed to work towards an effective and inclusive agenda on migration that integrates development and respects human rights by improving the performance of existing institutions and frameworks and partnering more effectively with relevant stakeholders at the regional and global levels.

The Declaration also committed Member States and other stakeholders to recognize that human mobility is a key factor for sustainable development and should be considered in the elaboration of the post-2015 development agenda.
The near-silence of the Millennium Development Goals (MDGs) on issues related to discrimination has been problematic given that equality is one of the core values of the Millennium Declaration. The MDGs allowed overall progress to be recorded as the main indicator, despite slower progress experienced by certain segments of society and the growing exclusion and marginalization of vulnerable groups. Without an incentive to record their situation, some groups with limited or no political capital, such as migrants, were rendered invisible to the development agenda. As a new post-2015 development agenda is being debated, OHCHR has consistently stressed that another method of measuring progress is needed, one which will provide more information about how progress is distributed while also providing incentives to focus on those groups which are being left behind.

In its message to the HLD and to other relevant fora, OHCHR emphasized the need to develop an agenda that is responsive to the rights of migrants and not only focused on the economics of migration. OHCHR’s message on including migrants in the post-2015 development agenda was three-fold and suggested that the agenda could:

- Incorporate equality as a stand-alone goal in order to measure and progressively eliminate disparities in relation to the most marginalized groups, such as migrants at risk of discrimination and exclusion.
- Develop specific migrant-sensitive targets under relevant goals.
- Ensure the systematic disaggregation of indicators by migrant status under relevant goals and targets in order to monitor the progress of disadvantaged migrant groups.

Where a group of people is socially undervalued, discriminated against and politically excluded, the relevant data will not be systematically collected. OHCHR has argued that the post-2015 agenda provides an occasion to enhance the knowledge base on the human rights dimensions of migration and an important opportunity to seek out innovative ways of measuring and monitoring the situation of migrants.

**OHCHR’s role**

OHCHR promotes and contributes to the protection of the human rights of all migrants, regardless of their legal status. The Office advocates for a human rights-based approach to migration-related policies and discussions at the national, regional and international levels.

OHCHR supports Members States and other relevant stakeholders to respect the internationally guaranteed human rights of all migrants, protect
them against abuse and fulfill the rights that will enable migrants to enjoy a safe and dignified life.

In the 2012-2013 biennium, OHCHR has significantly stepped up its programme of work on the human rights of all migrants, including by contributing to the promotion and mainstreaming of human rights through discussions on migration at the international, regional and national levels. The Office is engaged in concrete follow-up to the commitments made at the High-level Dialogue on International Migration and Development.

OHCHR has 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 key advocacy issues at the national, regional and international levels. Through its field presences, OHCHR has 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, protection and other initiatives. OHCHR also continued to support the human rights mechanisms relevant to migration, including the Committee on Migrant Workers (CMW), which oversees the implementation of the ICRMW, and the Special Rapporteur on the human rights of migrants.

The following are some key results to which OHCHR has contributed in relation to migration in the biennium 2012-2013.

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

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

As part of OHCHR’s ongoing efforts to increase compliance with international human rights standards, the Office has provided technical advice to governments and other regional, subregional and national stakeholders to promote the integration of a human rights perspective in the design and implementation of migration policies, plans and normative frameworks and to foster partnerships.

Building on a process initiated in 2012 to explore the human rights situation of migrants at international borders and a recognition of the need for enhanced human rights guidance on this issue, OHCHR launched an initiative with Member States, UN system partners, NGOs, academics and other stakeholders to establish a set of Recommended Principles and Guidelines on Human Rights at International Borders. An initial draft was developed to provide a practical norm-based tool to assist States and other stakeholders to implement their human rights obligations in their border governance measures, including in relation to reception, screening, assistance, detention and return. Since then, the draft has undergone various consultation stages, including two expert meetings organized by OHCHR in March 2012 and November 2013. The experts from governments, international and regional organizations, civil society and academia in attendance welcomed the initiative and voiced their intention to apply the guidance. The Recommended Principles and Guidelines will be finalized in 2014.

At the regional level, OHCHR supported the Special Rapporteur on the human rights of migrants to develop a study on management of the external borders of the European Union (EU) and its impact on the human rights of migrants. This involved detailed research on the policy framework of the EU, two consultations in Brussels with representatives of key EU institutions responsible for promoting and protecting the rights of migrants and four visits to countries on both sides of the EU southern Mediterranean border; namely Greece, Italy, Tunisia and Turkey. The resulting report, which focuses in particular on the rights of migrants in an

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**Support for non-citizens in the Republic of Moldova**

In October 2013, OHCHR received a complaint from Ms. N.S., a Moldovan citizen, whose partner, Mr. D.A. was a citizen of Ghana who had been forcefully deported from the Republic of Moldova to his country of origin, despite the fact that the couple had a six-month-old child together. Ms. N.S. requested assistance from OHCHR to facilitate the return of her partner with a view to marrying and founding a family in her country. OHCHR raised the issue with the Bureau for Migration and Asylum and, as a result, Mr. D.A. was issued a 30-day visa which allowed him to return to the Republic of Moldova to register with the civil registration. In addition, as a result of the September 2013 visit of the Special Rapporteur on extreme poverty and human rights, three women from the Migrants Detention Centre, who were at risk of being deported from the Republic of Moldova and becoming victims of human trafficking, were freed and offered legal assistance to secure residence permits in the country.
irregular situation and provides important practical guidance to EU institutions and EU Member States to implement a human rights-based approach to migration policies, was presented to the 23rd session of the Human Rights Council in May 2013 in the form of a thematic global mission report, with country specific attachments.

As part its ongoing efforts to promote and protect the human rights of migrant domestic workers in Lebanon, the Regional Office for the Middle East contributed to the development of a Code of Conduct for recruiting agencies that was launched in June 2013. The Regional Office worked closely with the Lebanese Government, ILO and various NGOs to alleviate the hardship of domestic workers in Lebanon and enhance compliance with international human rights standards. The Regional Office continues to explore advocacy initiatives in support of a draft law on migrant domestic workers, which is currently being considered by the Council of Ministers. This initiative has led to promising developments elsewhere in the region. For instance, the Government of Jordan has established a steering committee comprised of the Ministries of Interior and of Labour, representatives of the security forces and civil society, along with OHCHR and other international organizations, to prepare a roadmap to enhance the protection of the human rights of migrant domestic workers in Jordan.

In South-East Asia, OHCHR continued to support, in close collaboration with UNHCR, a review of the Citizenship Law to address the exclusion from citizenship and consequent statelessness of the discriminated minority Rohingya in Myanmar’s Rakhine state.

In West Africa, as an active member of the Regional Group on Protection in Mixed Migration (with IOM and UNHCR, as well as standing invitees ICRC, ILO, UNICEF, UNODC, UNOWA and UN Women), OHCHR contributed to increasing awareness and building capacity on migration and trafficking issues at the regional level. For instance, OHCHR and IOM co-organized a workshop on the situation of migrants and their access to fundamental needs in West Africa. In Senegal, OHCHR has facilitated training modules and developed an information brochure for a three-day workshop on international human rights instruments regarding people on the move. The regional governors and superior officers of the gendarmerie and border control who attended the trainings increased their knowledge about Senegal’s international and regional commitments related to the rights of people on the move and strengthened their capacity to ensure protection and detect human rights violations. Moreover, they acquired the necessary competencies and awareness-raising tools to train their staff and colleagues on these issues.

In light of a growing demand for technical support related to migration at the country level, OHCHR assisted numerous governments, national human rights institutions and civil society to draft and revise relevant legislation in line with international human rights standards.

In Mexico, significant progress was achieved in the revision and adoption of legislation in line with international standards through the provision of technical assistance to the Government, including regarding asylum and procedural safeguards during deportation. More specifically, the Office, inter alia, reviewed the proposals; submitted legal briefs on international human rights standards; and provided technical advice to Federal and State Congresses. For instance, the revision of the Refugee and Complementary Protection Bill, approved by the Senate, took into consideration the joint recommendations from OHCHR and UNHCR. In Guatemala, the Office worked closely with the Congressional Commission on Migrants, Government
authorities and civil society on the reform of the Law on Migration. The Law incorporated recommendations issued by the Special Rapporteur on the human rights of migrants and the ICRMW. The revised Law is currently before Congress awaiting final adoption.

In the Russian Federation, OHCHR provided technical advice to Members of the Public Chamber and NGOs to promote the establishment of a migration policy in full compliance with international human rights standards. Relevant recommendations related to the integration and protection of migrants were included in the Concept of the State Migration Policy of the Russian Federation through to 2025, which was approved by presidential decree in 2012. Particular efforts have been made to challenge the perception of migration as solely an issue of security and border control and to provide a broader picture of migration that would prevent stereotyping, discrimination and criminalization as the basis for policymaking. To this end, a number of relevant special procedures thematic reports, Human Rights Council resolutions and CMW comments were shared by OHCHR with authorities. Furthermore, with the support of OHCHR, a comprehensive multidisciplinary Human Rights Master's Degree was established in the Russian Federation which includes courses on international aspects of the governance of migration and refugee protection.

**Trafficking in persons**

Governments are increasingly requesting OHCHR’s assistance in capacity-building and to ensure the compliance of their laws, policies and administrative regulations with international human rights standards in the area of human trafficking. This is largely due to OHCHR’s consistent promotion of the importance of applying a human rights-based approach in efforts designed to address trafficking in persons, as indicated in the 2010 Recommended Principles and Guidelines on Human Rights and Human Trafficking.

Positive steps have been taken in Belarus, the Middle East and North Africa region and Ukraine. In Belarus, OHCHR supported the organization of five training activities focused on a variety of topics, including child trafficking for pornography, cross-border cooperation, identification of victims of trafficking and the role of law enforcement officials. In Jordan, a capacity-development event was organized for judges and prosecutors from 20 countries in the Middle East and North Africa region. Feedback from participants underlined the usefulness of the tools in guiding the development of rights-based responses to combat trafficking in persons. In Ukraine, OHCHR organized a launch of the Commentary to the Principles and Guidelines and undertook training on this issue.
Responsiveness of the international community (EA 10)

International community increasingly responsive to migrants’ rights

The Office successfully contributed to the inclusion of a human rights perspective in the global debate on migration at the international level, including at the General Assembly’s High-level Dialogue on International Migration and Development, held in New York in October 2013. The human rights of migrants were a prominent feature of a number of interventions made by Member States during the course of the deliberations and were featured prominently in the eight-point agenda for action outlined by the Secretary-General.

The High Commissioner delivered OHCHR’s message on the human rights of migrants during Roundtable 2 of the HLD in an intervention, entitled Measures to ensure respect for and protection of the human rights of all migrants, with particular reference to women and children, as well as to prevent and combat the smuggling of migrants and trafficking in persons and to ensure orderly, regular and safe migration. The Assistant Secretary-General for Human Rights was also called on to deliver a statement to Roundtable 1, entitled Effects of international migration on sustainable development and identifying relevant priorities in view of the preparation on the post-2015 development framework. The High Commissioner and senior managers also participated in a series of high profile side events at the meeting (on issues related to the post-2015 development agenda, the detention of immigrant children, human rights at international borders, migrant domestic workers and children on the move), and in events leading up to the HLD. Through public advocacy and technical assistance, OHCHR supported the intergovernmental process of drafting a landmark Declaration on International and Development that was unanimously adopted by Member States at the HLD.

Leading up to the HLD, OHCHR carried out a series of events and activities to ensure that human rights were kept at the centre of all HLD deliberations. For instance, in June 2013, OHCHR organized an expert meeting on migration, human rights and governance. More than fifty participants engaged in this discussion, including representatives from Global Migration Group (GMG) agencies, human rights mechanisms, Member States, regional organizations, international and regional NGOs, trade unions and academia.

OHCHR also organized a high-level meeting in Geneva on 4 September 2013, entitled Migration and human rights: towards the 2013 High-level Dialogue on International Migration and Development. The meeting was opened by the High Commissioner and included the participation of the Special Rapporteur on the human rights of migrants, the Special Representative of the Secretary-General of the United Nations on International Migration and Development and more than 150 representatives from Member States, GMG agencies and international and national NGOs. The meeting developed targeted public messages and advocated for mainstreaming a rights-based approach within all roundtable discussions at the HLD. These objectives were largely met as human rights issues were consistently raised in all roundtables of the HLD.

OHCHR also launched a joint report with WHO and IOM, International migration, health and human rights, which explores the multifaceted health and human rights challenges that migrants face and describes recent developments in this area. The report was widely shared with a variety of stakeholders, including governments, civil society and UN agencies.

Moreover, OHCHR provided substantive technical assistance on human rights to a number of thematic
meetings of the Global Forum on Migration and Development (GFMD). In 2013, the Office sought to inject a human rights focus into background documentation and discussions held in the context of government team discussions of Roundtable session 1.2, entitled Framing migration for the MDGs and the post-2015 UN Development Agenda, and Roundtable 3.1, entitled Empowering migrants, their households and communities for improved social development outcomes. Upon request by the GFMD, OHCHR provided a background document, Migrants, migration, human rights and the post-2015 UN Development Agenda, for the May 2013 GFMD thematic meeting entitled Operationalizing Mainstreaming of Migration in Development Policy and Integrating Migration in the post-2015 UN Development Agenda. As Chair of the GMG Working Group on Migration, Human Rights and Empowerment, OHCHR led the drafting of a background paper for the third thematic meeting of the GFMD in 2013 named Empowerment and Assets.

On International Migrant’s Day in 2013, OHCHR and ILO jointly launched a series of cartoons which seek to challenge myths and encourage a more positive public perception of migrants. The cartoon collection reached over 13,000 people on Facebook and the tweets generated an estimated 825,000 potential impressions on Twitter (number of times a tweet reached Twitter accounts).

OHCHR drafted the report of the Secretary-General to the Third Committee of the General Assembly (A/68/292), which included an analysis of how a human rights perspective can enhance the design and implementation of international migration and development policies. The report concluded that by applying a human rights-based approach to the design and implementation of migration policies, States are obliged to formulate and scrutinize such policies against human rights benchmarks and to strive to ensure that they are responsive to the human rights of all migrants, with a particular focus on those who are most vulnerable.

Finally, at the field level, OHCHR organized two seminars on cultural diversity in Mauritania which, inter alia, aimed to improve understanding of the rights of migrant workers and their families in the context of the promotion of tolerance and social justice. As part of OHCHR’s efforts to increase the responsiveness of the international community to migration, OHCHR also organized, in cooperation with the Ministry of Interior of Mauritania, a capacity-building workshop for government authorities, members of the armed forces and security agencies and civil society on the rights of migrant workers and their families. The workshop aimed at enabling participants to cooperate more effectively with international partners in addressing the situation of migrants.

Do you know the difference between “illegal migration” and “migrants in an irregular situation”? Irregular entries, stay and work are not criminal offences but administrative misdemeanours. Not distinguishing between the two terms reinforces the false and negative stereotype that migrants in irregular situations are criminals.

Do you know that there are more migrants than ever because of the growing world population? The absolute number of people migrating has risen from 154 million in 1990 to 232 million in 2013, yet for many years migrants have made up about 3% of the world’s population.
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 to actively promote and mainstream the human rights of migrants within the activities of the United Nations system.

The Office remained an active member of the GMG, which is comprised of 16 entities. As a result of a 2012-2013 internal review of the GMG and OHCHR’s advocacy, a Working Group on Migration, Human Rights and Gender Equality was created with OHCHR, UNICEF and UN Women serving as rotating Co-Chairs. OHCHR assumed the role of Chair for the first 18 months and in November 2013, the Office led the preparation of a GMG Issues Brief to provide background documentation for the GFMD thematic meeting on Migration as an Enabler for Inclusive Social Development. In addition, a human rights work stream was created within the multiannual work plan of the GMG.

OHCHR also provided detailed input and mainstreamed human rights into a set of outcomes and recommendations on migration in preparation for the High-level Dialogue on Migration and Development. The Dialogue took place following the 2012 request by the High-level Committee on Programmes of the UN System Chief Executives Board for Cooperation.

In December 2012, the Secretary-General tasked OHCHR, in consultation with the GMG and UN system partners, to lead the preparation of a concise, analytical report on migration and human rights. The report Migration and human rights: improving human rights-based governance of international migration was launched in September 2013 and explores the importance of embedding the human rights framework and a human rights-based approach within the global institutional architecture on migration.

Building on 2012 achievements related to the Rio+20 negotiation process (which led to a strong reference to the human rights of migrants, regardless of their status, within the Rio+20 Outcome Document), OHCHR continued to advocate for the inclusion of the human rights of migrants in the post-2015 development agenda. In this context, OHCHR engaged in various global thematic consultations and technical discussions, including on population dynamics and on inequalities, submitted technical briefs to the Open Working Group, and participated in the informal working group on the post-2015 agenda of the Special Representative of the Secretary-General of the United Nations on International Migration and Development. OHCHR also contributed to a joint GMG position on migration and the post-2015 development agenda, and participated in various side events organized by the GMG and other actors. OHCHR’s input highlighted that migrants should be visibly integrated in the new agenda as full and equal subjects of development.

As a result of its advocacy efforts and leading voice on migration and human rights, OHCHR was invited to participate as Co-Chair in the migrants’ rights work stream of the World Bank’s Global Knowledge Partnership on Migration and Development. The Office also devised a work programme for this work stream.

Challenges and lessons learned

Despite the positive steps taken, OHCHR is cognizant of the significant challenges that remain. One of these challenges is the governance of migration at international, regional and national levels. In order to promote the rights of all migrants more effectively, more systematic discussion on migration issues is needed among States and other relevant stakeholders, under the auspices of the United Nations.

As evidenced during the 2013 High-level Dialogue on International Migration and Development, the UN offers a common platform for dialogue and cooperation on migration, based on the existing and agreed legal and normative framework. Since its early beginnings, the UN has sought to approach international migration from a human rights perspective. Through the human rights treaties and other supervisory mechanisms, the UN plays a vital role in elaborating the normative framework on migration and assisting States to incorporate this framework into their migration policies.

In its recent report on migration and governance, OHCHR identified a continuing need for regular cooperation and dialogue within the UN to enable systematic and norm-based interaction among all stakeholders, including States, civil society and migrants themselves. Such a space could identify and address policy and knowledge gaps on cross-cutting and emerging issues related to migration,
including countering discrimination and xenophobia against migrants, or the protection of migrants at international borders. As with other issues of a cross-cutting nature, there is no single organization in the international system that has the mandate to provide overall normative oversight and leadership in the protection of migrants’ rights, which makes the creation of spaces for multistakeholder and cross-cutting dialogue all the more crucial.

In her statement to the High-level Dialogue, the High Commissioner highlighted the work that needs to be undertaken by the human rights movement to better explain the significance of human rights to the issue of migration and to what extent respecting, protecting and fulfilling human rights will be of real and material benefit to the lives of the 232 million migrants and their families. These efforts also need to stress that a human rights-based approach to migration policymaking is premised on universal standards and principles that have been voluntarily assumed by States. Specific results, standards of service delivery and conduct and good practices are derived from universal human rights instruments. Further guidance on and elaboration of these standards and principles has been provided by the human rights mechanisms. They constitute a firm foundation on which to initiate the design and implementation of migration policies.

The years ahead will provide an opportunity to build on the successful leadership of OHCHR in the arena of migration and human rights. To this end, OHCHR will remain publicly committed to consolidating its leadership role within the international system to promote and protect the human rights of migrants.
Violence and insecurity

Protecting human rights in situations of violence and insecurity

Background

Situations of violence, conflict and insecurity were alarmingly widespread in 2013. The crises in the Syrian Arab Republic, South Sudan, Mali and the Central African Republic provided stark reminders of the suffering to which entire populations may be subjected by State and non-State actors and the need for the United Nations to take action to mitigate or facilitate an end to the crisis.

Far too many countries in the world are experiencing some form of violence or conflict. Human rights violations are often the first signs of potential larger-scale violence. Thus, early warning and early action are the underpinnings of the “Rights Up Front” Action Plan, which was launched by the Secretary-General in December 2013 to address the need for better organizational preparedness by the UN to deal with evolving crisis situations, including by emphasizing preventive action to ensure respect for human rights.

This approach can be equally effective in situations where social and criminal violence exposes populations to widespread human rights violations. Criminal violence has resulted in loss of life, torture and ill-treatment, disappearances and arbitrary detentions on a massive scale and has prevented people from accessing medical care, disrupted education and prevented the functioning of the justice system.

Natural disasters are another source of insecurity, as people often find themselves without homes and limited possibilities to earn a living. In such situations, pre-existing human rights concerns (i.e., discrimination) may be exacerbated while new ones frequently emerge.
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An holistic approach that is based on a human rights analysis of a particular situation can help identify early responses and prevent the deterioration of the situation. Another element of this strategy is to empower affected communities by providing them with knowledge about their human rights, building their capacity to demand redress for violations of those rights and ensuring that they are consulted and involved in decision-making processes that will impact on their lives in the context of situations of violence and insecurity, including natural disasters. In practice, this means enabling affected persons to participate in the immediate response to a crisis, early recovery actions and the search for durable solutions to the problems affecting their society. These solutions must be based on multifaceted policies, strategies and actions that strengthen the rule of law, fight impunity and address the root causes of exclusion, including discrimination, that contribute to an environment of insecurity and violence.

**OHCHR’s role**

In 2013, OHCHR prioritized work on human rights issues that were related to situations of international or internal armed conflict; humanitarian crises, including those in the aftermath of man-made or natural disasters; and situations with a prevalence of social, economic and criminal violence. OHCHR focused its efforts in countries lacking an appropriate State response to violence and where there was an environment of insecurity. OHCHR cooperated with States and civil society to formulate responses to existing threats and vulnerabilities to: ensure the protection of entire populations against violence and insecurity; prevent repressive responses which could engender further violations; and ensure that measures taken would address the root causes of insecurity and were firmly rooted in human rights principles and standards. The framework of international human rights law provides the basis on which action should be undertaken, primarily in situations of conflict, violence and insecurity, including natural disasters. Therefore, OHCHR’s strategy to protect human rights in situations of violence and insecurity continues to include supporting the compliance of States with human rights obligations, raising awareness about these obligations at the national level, empowering local actors and building their capacity.

OHCHR also focused on the rights of those most affected by situations of violence and insecurity, in particular victims of sexual and gender-based violence and other segments of the population with heightened vulnerabilities and who are facing a risk of exclusion, marginalization or not being protected, including women, internally displaced persons (IDPs), 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.
International action, whether undertaken by the UN, regional organizations or the wider international community, has proven to be crucial to the prevention and resolution of crises. A second aspect of OHCHR’s strategy, therefore, has been to ensure that the international community responds to crisis situations and that the UN system is equipped with the appropriate human rights knowledge and tools to deal with those situations.

Respect for human rights and justice are essential to achieving political stability and sustainable peace and in response to crime or the provision of humanitarian assistance. Much of the advocacy conducted by the Office has been directed at countering outdated perceptions that human rights and, in particular accountability for human rights violations, were obstacles on the road to peace and stability and to protection against terrorism and crime.

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 and effective responses to individual human rights violations

In 2013, OHCHR monitored, investigated and reported on cases, events and situations and informed decision-makers; fostered dialogue between governments and civil society and advocated for the incorporation of human rights in legislation, policies, practices and 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.

OHCHR also contributed to improving the level of responsiveness and accountability of State institutions vis-à-vis individual human rights violations in several countries. In Mexico, OHCHR provided technical assistance in the drafting of legislation and lobbied federal and state congresses to ensure the compliance with international standards of legislation on: the protection of victims; the protection of journalists and human rights defenders; military jurisdiction; making crimes against journalists a federal offence; enforced disappearances; “arraigo” (pre-charge detention); and states of emergency. Most of these laws incorporated international human rights standards and in some cases, included international recommendations issued by human rights mechanisms, as well as a gender approach. In each instance, OHCHR-Mexico followed up on the parliamentarian process; reviewed the bill proposals; submitted legal briefs to promote the incorporation of international human rights standards; encouraged the respective congresses to approve the legislation; and facilitated direct communication between special procedures and members of the treaty bodies with key legislators.

In Afghanistan, the May 2012 establishment of the Civilian Casualties Tracking Team in the Presidential Information Coordination Centre resulted in more accurate information on casualties. In the first 11 months of 2013, civilian deaths and injuries increased by 10 per cent compared to the same period in 2012. The rise in civilian casualties reflects a return to the number of civilian deaths and injuries recorded in 2011; the year in which the highest number of civilian casualties was recorded by the United Nations Assistance Mission in Afghanistan (UNAMA). This is due to the increasingly indiscriminate use of improvised explosive devices and more engagements on the ground between Afghan forces and anti-Government elements, particularly in civilian populated areas. Ground engagements were the second leading cause of civilian deaths and injuries, a new and troubling trend in 2013. OHCHR also monitored the implementation of the Law on the Elimination of Violence against Women.

Human rights mechanisms also contributed to this expected accomplishment. For example, with OHCHR’s support, the Working Group on the
use of mercenaries researched national legislation regulating private military and security companies (PMSCs) on a regional basis. The first phase of the research focused on several English-speaking countries in Africa and informed the Working Group’s thematic report to the 24th session of the Human Rights Council in September 2013. The research demonstrated that some countries failed to consider criminal or disciplinary records or reports of human rights violations committed by potential security personnel.

With regard to the establishment of specific mechanisms or policies to protect human rights defenders and journalists in Colombia, the Inspector General of the national police issued specific directives to all police units to make the protection of human rights defenders one of their priorities. In 2012, the National Protection Unit (NPU) became operational. With OHCHR’s assistance, the Unit adopted a new approach in the analysis of risk and protection measures which takes into account the specificities of individuals and groups, in particular the unique needs of women defenders, indigenous leaders and leaders of minority groups. The NPU and OHCHR established a mechanism through which the two organizations meet on a monthly basis to follow-up on and update all cases submitted by the Office.

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

In Ecuador, two courses, developed with the technical support of the Human Rights Adviser (HRA), have been institutionalized in the armed forces. The first is a basic course on human rights targeted to the armed forces operating along the northern border and the second is on collective rights. The HRA also supported the Human Rights Unit of the Ministry of Defence to develop and implement a protocol for documenting and processing reports of human rights violations allegedly committed by armed forces personnel.

In Guatemala, although public security policies and strategies have largely failed to comply with international human rights standards and recommendations issued by the human rights mechanisms in a number of relevant areas, particularly regarding the increased role of the military in citizen security tasks, continuous engagement with the Government resulted in limited changes in key security policies and helped avoiding setbacks in the decisions of public authorities. OHCHR-Guatemala took an active part in cases related to the role of the police and military
performing citizen security functions; states of emergency and conditions of detainees. The Office monitored judicial proceedings and conditions of detention and provided technical assistance to the relevant authorities.

In Colombia, as part of its engagement with the police, OHCHR carried out visits to 12 departmental police stations to monitor, inter alia, the implementation of five oversight mechanisms related to accountability and the prevention of human rights violations. The objective of the visits was to identify good practices and the challenges being faced by the police in the implementation of human rights standards. OHCHR concluded a two-year project with the Ministry of Defence to analyse and make recommendations on 7 out of 15 measures adopted to prevent and investigate human rights violations. The Office also participated in the extensive review of the armed forces’ protocol on sexual violence. It furthermore prepared an in-depth report for the Ministry of Defence and the armed forces on the legal framework applicable to cases of occupation of civilian objects by military forces. Through the analysis of these cases, the General Command issued reminders to all forces concerning the State’s human rights obligations.

In Papua New Guinea, a human rights assessment of the Royal Papua New Guinea Constabulary was completed in 2012. Discussions were then held in 2013 to outline and implement the relevant recommendations on pre- and in-service training for police in 2014.

In Somalia, the Human Rights Unit of the United Nations Political Office for Somalia (UNPOS) /United Nations Assistance Mission in Somalia (UNSMIL) contributed to mainstreaming human rights in the security and justice sector reforms through advocacy and collaboration with other components of the Mission. This resulted, among others things, in the adoption of the Somalia Justice Sector Action Plan 2013-2015. UNSOM also advocated for the mainstreaming of human rights in the national programme for disengaging combatants in Somalia that seeks to disarm, demobilize and rehabilitate former Al-Shabaab combatants. The national programme presents a number of human rights challenges, including related to the death penalty, access to justice, administrative detention, handing over of detainees by the African Union Mission in Somalia (AMISOM) and the proper handling of children in the programme.

In Libya, the advice provided by the Human Rights Division (HRD) of the United Nations Support Mission to Libya (UNSMIL) to the Government and the General National Congress (GNC) generally improved the quality of legislative drafts. In April 2013, the GNC, supported by the Human Rights Division, adopted a law withdrawing the jurisdiction of military courts over civilians and another law criminalizing torture, enforced disappearances, unlawful killings and discrimination. The HRD also provided advice on a law on victims of sexual violence, which had not been adopted as of the end of 2013. To reduce the risk of discrimination, the HRD advocated for the establishment of an independent commission on missing persons under the previous regime and during the 2011 conflict. Legislation on the establishment of such a commission was adopted at the end of 2013.

In Guinea-Bissau, in November, the Human Rights Section of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) and the Centre for Judicial Training launched the first phase of training on human rights in the administration of justice for lawyers, prosecutors, judges, judiciary police investigators and representatives of the Centres of Access to Justice. The training, which will continue in 2014, is the first time that representatives from all sectors of the judiciary have been brought together for shared learning. The participants expressed their appreciation for the opportunity to reinforce their roles as human rights defenders throughout the case management process.

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

In Colombia, national institutions showed an improvement in their responses to human rights violations cases raised by OHCHR at the national and regional levels, in particular the National Protection Unit, the national police, the armed forces, the Ministry of Defence, the Attorney General’s Office, the Victims Unit, the Land Restitution Unit, municipal governments and local ombudspersons. In a great majority of these cases, action was undertaken to address OHCHR’s concerns. For example, in the department of Antioquia, 100 per cent of the cases raised by OHCHR with law enforcement entities were positively addressed. Of these, 86 per cent related to the implementation of protection measures in favour of human rights defenders. In addition, all cases of children at risk of recruitment by armed groups in the municipality of Ituango were positively addressed by the Colombian Institute for Family Issues, as were 72 per cent of cases raised by OHCHR with the NPU. In the community
of Riochuelo-Charalá (Santander), after receiving numerous complaints regarding victims of forced displacement, OHCHR promoted the creation of a coordination working group with the active participation of the Victims Unit, the regional Ombudsman, the local Ombudsman and civil society organizations, which led to the adoption of a strategy to implement collective reparation measures for the community.

In Darfur, Sudan, following extensive interaction between the Human Rights Section of the African Union/United Nations Hybrid operation in Darfur (UNAMID) with relevant authorities, a Justice, Truth and Reconciliation Commission was established in March 2013 to, inter alia, address issues of impunity and build a culture of confidence, peace and reconciliation. The Commission has sub-offices in Darfur states and most of its 25 appointed members are judges, lawyers and legal advisers. In November 2013, the Commission informed that it would carry out a survey to assess the conflict.

In Uganda, authorities responded positively to complaints raised by OHCHR, with a total of 117 complaints responded to out of 275 in 2012 and 77 out of 150 in 2013. A positive response was considered to be one which resulted in the expressed commitment of an authority to investigate a complaint and initiate an inquiry into the case and provide feedback to OHCHR on actions taken, the findings of the investigation and the way forward. This was achieved through continued efforts with the police and military, capacity-building and targeted training. OHCHR worked closely with the Uganda Human Rights Commission on sharing and transferring case information.

In Iraq, the Ministry of Human Rights launched investigations into all claims of human rights violations and the Ministry of Justice was active in investigating allegations of abuse, ill-treatment or torture in prisons and places of detention under its authority. The Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) undertook monitoring of all prisons and places of detention under the authority of the Ministry of Justice and made recommendations directly to the Minister on ways to improve respect for due process and fair trial standards.

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

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

Access to justice is an essential component of the rule of law and a means for women to actively claim their rights. In practice, discriminatory laws and discrimination within justice systems pose challenges to women’s full access to justice. Promoting access to justice and accountability for women is a priority for OHCHR and the fight against impunity underpins many of its activities. In 2013, OHCHR worked towards improving access to justice for victims of violence in countries such as Afghanistan, Bolivia, Central African Republic (CAR), Côte d’Ivoire, the Democratic Republic of the Congo (DRC), Haiti, Mali, Nepal, Senegal and Sudan as well as countries in the Great Lakes region and West Africa. Progress was noted in a number of countries as exemplified below.

The Office provided support to Bolivia, where new legislation was adopted in March 2013 on guaranteeing women a life free from violence. The Law typifies gender-motivated killings of women as a specific crime (femicide) and adopts a comprehensive approach to combating violence against women, including through prevention, care of victims and prosecution of offenders.

OHCHR has been involved in strengthening the capacities of law enforcement officials and the judiciary in many countries. In the DRC, the Office provided support to mobile courts dealing with sexual violence cases and the so-called “Joint Investigation Teams,” provided immediate, technical support to military prosecutors to enable the investigation of serious and credible allegations of sexual violence in remote areas. The Office supported the establishment of legal clinics to
ensure that legal aid is available to survivors of sexual violence. Training for military judges and prosecutors also took place in the DRC. In Latin America, a Protocol was developed in partnership with UN Women on the investigation of gender-related killings of women.

In Côte d’Ivoire, in January 2012, the Ministry of Women, Family and Children developed a five-year national strategy to combat sexual and gender-based violence (SGBV) and a plan of action was finalized in July 2012. As of the end of December 2013, the document was still awaiting final approval by the Government. The Human Rights Division of the United Nations Operation in Côte d’Ivoire (UNOCI) regularly participated in the coordination mechanisms established for the review of the national strategy. It also provided the mechanisms with strategic, technical and policy advice in order to strengthen the national legal framework and the capacities of relevant stakeholders to prevent sexual violence and better protect and appropriately respond to the needs of victims.

In Sierra Leone, there was an increase in the number of reports filed by victims of sexual and gender-based violence. Family Support Units are well equipped to deal with SGBV and access to services for victims of SGBV has improved. OHCHR provided financial and technical support to the National Committee on Gender-Based Violence and to NGOs working on the issue.

In Guinea-Bissau, the technical and financial support provided to the specialized Parliamentary Committee on Women and Children resulted in the adoption on 18 July 2013 of a domestic violence bill by the National Assembly. The legislation is not yet in force as it has not been promulgated by the President. Nonetheless, sensitization and dissemination activities have begun. Support was given to the National Committee for the Abandonment of Harmful Practices in their efforts to raise public awareness about the need to fight female genital mutilation and sexual and gender-based violence. Following a wide-ranging dialogue with women’s organizations, human rights defenders, civil society organizations and UNDP partners and with the support of UNIOGBIS and the United Nations Country Team (UNCT), a National Plan to End Gender-Based Violence (2014-2017) was finalized in November and adopted on 23 December 2013. The Plan identifies three pillars to combat gender-based violence, namely prevention; promotion of an integrated system of victim support; and institutional and organizational capacity development. The approval of an effective and enforceable action plan against gender-based violence represents an important step for the eradication of GBV in Guinea-Bissau.

In Darfur, Sudan, although cooperation with law enforcement officials on the issue of sexual violence seemed to be difficult at times, much progress was noted. In South Darfur, in September 2013, the Governor issued a decree for the operationalization of the Joint Committee for Combating Gender-Based Violence which is tasked with: analysing gender-based violence; ensuring that all victims have access to health facilities; and following up on trials of alleged perpetrators. The Government endorsed a five-year national strategic plan to combat violence against women (2012-2016) in August 2013. Policy decisions undertaken at the federal level called for the full implementation of the five-year plan across Sudan.

OHCHR increased its efforts to strengthen women’s access to reparations as an essential component of the right to an effective remedy. The Office held consultations with survivors of sexual and gender-based violence in the DRC, Uganda and Kosovo and issued recommendations to inform their respective reparation efforts. In eastern DRC, OHCHR worked to encourage broader reparation efforts, including by providing grants to five local organizations for the implementation of five pilot projects focused on supporting and assisting survivors of sexual violence. A guidance note on reparations for victims of conflict-related sexual violence was jointly prepared by OHCHR and UN Women and will be issued in June 2014. It aims to provide policy and operational guidance for United Nations engagement in the area of reparations for victims of conflict-related sexual violence to ensure that their specific needs are taken into account in the design, implementation and delivery of reparation programmes.

In 2014, OHCHR and UN Women will promote the national adaptation and implementation of the Model Protocol in at least two countries, including through the joint programme on access to justice for women.

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

As a means of promoting stability, OHCHR has long supported the active participation of rights-holders in claiming their rights in Afghanistan. After the 2012 Tokyo Conference on Afghanistan, a Civil Society Joint Working Group was created. Civil society also engaged in the New Deal for Engagement in Fragile States initiative that seeks to find a general consensus on joint priorities between the State and civil society. The Office continued to support the Afghan People’s Dialogue on Peace initiative.

In Togo, legislative elections that were scheduled for 2012 and postponed until July 2013 took place in an essentially peaceful environment, with 66 per cent of registered voters casting a vote. OHCHR-Togo significantly contributed to the participation of voters through a comprehensive programme of the promotion of human rights and a parallel monitoring project, parts of which were co-funded by UNDP. OHCHR-Togo’s electoral project included the involvement of civil society organizations.

In several countries in Latin America, especially in Central America, alarming and increasing rates of violence against women, including gender-related killings (also called feminicide or femicide), have been reported. In some instances, extreme cruelty has been associated with the murders (including sexual violence and mutilations).

Both the international human rights system and the Inter-American human rights system have expressed concerns over the high levels of impunity for the killings of women in the region. Regional and international human rights protection systems have suggested that this impunity is largely due to the inadequacy of criminal investigations, including insufficient contextualization of the cases; the heavy reliance on the testimonies of witnesses rather than on other types of evidence; the erroneous legal qualifications or requalification of the crimes; and the use of mitigating circumstances to shorten prison sentences.

To this end, OHCHR and UN Women decided to draft a Model Protocol for the investigation of gender-related killings of women in Latin America. The objective is to provide authorities in charge of investigations with practical guidance on how to fully comply with their due diligence obligations. The draft was developed through expert group consultations with judges, prosecutors, lawyers, representatives of police institutions and civil society organizations and with the support of criminologists, forensic experts and academics with extensive experience on the investigation of gender-based violence. The Protocol provides practical guidance on the integration of a gender perspective in the investigation and prosecution of cases, including elements to be kept in mind and the types of evidence to be gathered in the context of the autopsy and the analysis of the crime scene; the circumstances surrounding the death; and the profiles of the victims and the suspect(s). It also provides detailed guidance concerning the rights of victims.

The draft was validated through various regional and national workshops and supported by the Conference of State Parties to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) on 18 November 2013 and the General Assembly of the Ibero-American Association of Public Prosecutors on 19 November 2013. The Council of Ministers of Women in Central America recognized the Model Protocol as a valuable tool and the Human Rights Council, at its June 2013 session, adopted resolution 23/25 which recognizes the Model Protocol as a good and promising practice (OP 19).
in the promotion and monitoring of respect for human rights. In anticipation of the elections, 600 human rights observers were deployed to Togo’s 35 prefectures and Lomé’s five communes to monitor the observance of key civil and political rights related to elections and basic principles of independence and impartiality. The Office trained and coordinated the observers by deploying staff members to the five administrative regions. This enabled OHCHR to remain informed about problems encountered, undertake advocacy interventions as needed and liaise with the State and electoral authorities which showed a high degree of cooperation and good will.

In Madagascar, CSOs worked closely with the Independent National Electoral Commission of the Transition by conducting large sensitization campaigns on the elections processes, informed the Commission of any existing or potential impediments to transparent elections, served as observers and reported irregularities. Prior to the elections, OHCHR organized a series of capacity-building workshops to enhance the human rights monitoring expertise of CSOs and journalists. As a result, journalists played an important role in the elections processes by supporting education and sensitization activities and providing fair media coverage for all candidates. CSOs and journalists reported and published the results of their monitoring.

In the aftermath of Typhoon Haiyan in the Philippines, OHCHR ensured that consultations with affected communities informed its work, particularly in its advocacy with national and international humanitarian actors to ensure that the responses reflected the needs of the concerned populations. Through its daily work with the affected communities, OHCHR was able to identify their protection concerns, particularly those relating to security, relocation, selection and allocation of temporary and permanent housing solutions. OHCHR also worked to ensure that affected communities were involved in decision-making processes that related to their lives. Ensuring that the local authorities provided them with accessible and comprehensive information was prioritized by OHCHR to promote transparency, participation and accountability.

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 OHCHR’s key objectives is to prompt rapid, informed and strategic responses by the international community to urgent and chronic human rights crises. In this regard, the Office prioritized efforts for the development and implementation of the “Rights Up Front” Action Plan, launched in December 2013 and ensured that the UN Operations and Crisis Centre (UNOCC) was fully appraised of potential, emerging and continuing human rights crises. In addition, OHCHR field presences in, inter alia, Haiti, Mauritania, the State of Palestine and Yemen integrated human rights analysis and considerations in the development of humanitarian response plans and appeals to donors prepared by the Humanitarian Country Teams (HCTs) based in those countries. At the global level, OHCHR engaged with donors as part of the Inter-Agency Standing Committee’s (IASC) Emergency Directors Group, including in relation to the Transformative Agenda (TA) and country-specific situations.

In Myanmar, OHCHR’s engagement with national, regional and international partners in Rakhine state ensured that human rights concerns were mainstreamed into responses to the deteriorating situation, including in relation to the Rohingya community. In the context of the Syrian Arab Republic, OHCHR’s work contributed to efforts, analysis and decision-making undertaken by the IASC and other inter-agency task forces on Syria. For example, OHCHR reported on casualty figures which helped provide indicators of the devastating scope of the human rights and humanitarian crisis and related challenges in the country. The monitoring team that was based in the region provided the High Commissioner with the information needed to brief the Security Council and the Human Rights Council. OHCHR also contributed to enhancing the engagement of the special procedures and the treaty bodies through the verification of allegations of human rights violations.

The High Commissioner continued her engagement in situations of protracted conflict, including in Europe. In this context, human rights principles were incorporated into the ongoing Geneva International Discussions on the Conflict in Georgia, which were launched following the August 2008 conflict between Georgia and the Russian Federation.
The High Commissioner’s sustained advocacy is a powerful tool in ensuring that critical human rights situations do not become forgotten crises. The combination of her advocacy, reports to the Human Rights Council and visit to Sri Lanka in August 2013 increased the awareness of the international community about long-standing human rights issues in the country and resulted in the provision of support to victims of human rights abuses and their families seeking justice and redress. Visits to different countries by the Deputy High Commissioner and the Assistant Secretary-General for Human Rights also ensured that human rights considerations were central to crisis responses.

Throughout the year, OHCHR carried out targeted and timely interventions, including through the High Commissioners’ briefings and reports to the Human Rights Council, the General Assembly and the Security Council. At the Human Rights Council,
the conflict in Syria remained high on the agenda as evidenced by the holding of an urgent debate in June 2013; a further extension of the mandate of the Commission of Inquiry (CoI), established in August 2011, until March 2014; and the submission of regular reports on the human rights situation in the country. As a result, regular recommendations were issued in relation to appropriate responses undertaken by the UN and the international community. During its March 2013 session, the Council mandated by consensus a Commission of Inquiry on the Democratic People’s Republic of Korea (DPRK). During 2013, OHCHR supported the work of the CoI on DPRK, which included a series of public hearings with victims in Japan and the Republic of Korea. Also in 2013, the Central African Republic and Somalia requested that the Council address the ongoing and deteriorating human rights situations in their respective countries. This was the first time a request of this nature was made and in response, the Council held two Stand-Alone High-Level Interactive Dialogues. Both interventions were attended by Member State dignitaries and elicited pledges of support and interest from a significant number of Member and Observer States as well as from civil society. Two resolutions on Promoting Reconciliation and Accountability in Sri Lanka were adopted in the March 2012 and 2013 sessions.

Over the past three years, OHCHR’s engagement with the Security Council increased substantially. In 2013, the High Commissioner was invited to provide formal briefings to the Council on thematic and country-specific concerns, including on the Central African Republic, Syria, the protection of civilians and on women, peace and security, and to provide briefings in informal consultations on CAR and Syria. The Office also undertook informal expert briefings on Côte d’Ivoire and Guinea-Bissau and an Arria-Formula briefing on the CAR. The Office participated in meetings of the Security Council’s informal expert group on the protection of civilians which provided it with further opportunities to highlight human rights issues in the context of the creation or renewal of mandates for peace missions. In addition, the Office was increasingly consulted by Security Council members involved in bilateral discussions seeking technical guidance on the wording of relevant provisions of draft resolutions, including on CAR, Côte d’Ivoire, DRC, Haiti, Liberia, Mali, Sierra Leone, Somalia, South Sudan, Sudan and Western Sahara. This regular and strategic interaction with the Security Council reflects a growing recognition by Member States and the UN system that human rights challenges underpin many peace and security-related crises and enabled the Security Council to receive timely, relevant human rights-related information to inform its discussions. This has in turn been directly reflected in the inclusion of more comprehensive human rights language and references to special procedures mandates in the Council’s resolutions, such as the UN Human Rights Due Diligence Policy (HRDDP).

OHCHR increased its advocacy and awareness-raising efforts with intergovernmental mechanisms by briefing the General Assembly’s Special Committee on
Peacekeeping Operations (C-34) on conflict-related sexual violence and on preventive and responsive processes and tools. The Office provided advice to Security Council members regarding the human rights aspects of peacekeeping mandates and strategies and to delegates of the Fifth Committee regarding the key role of the protection of human rights in achieving the primary objectives of peacekeeping operations. The Office also provided information during the negotiations on a number of country-specific resolutions during the General Assembly’s Third Committee at the request of Member States.

Furthermore, the Office encouraged the inclusion of gender and women’s human rights perspectives in the work of the Security Council; supported the implementation of Security Council resolutions 1888 and 1960, in particular through the roll out of Women Protection Advisers (WPAs); and by providing inputs to policy documents for mission set-ups, language for Security Council country-specific resolutions for mission renewals and the development of generic terms of reference and interviews for possible deployments of WPAs to

Promoting women’s rights in conflict and post-conflict situations

In Burkina Faso, Gambia and Kosovo, OHCHR provided technical advice and financial support for the development of national actions to implement Security Council resolutions 1325 and 1820. In several countries, including Côte d’Ivoire, DRC, South Sudan and Sudan, OHCHR undertook capacity-building and awareness-raising activities to promote access to justice by providing: support for legislative reform; assistance to governments in the development of national policies and plans; training for judges and lawyers; guidance from forensic experts; and assistance to NGOs that offer free legal advice. OHCHR also advocated for gender-sensitive reparations in the context of transitional justice processes. The Office and UN Women finalized a Guidance Note on Reparations for Victims of Conflict-Related Sexual Violence that will be launched in 2014.

In Kosovo, OHCHR supported a study on access to reparations for victims of sexual violence during the 1999 conflict and Kosovo will work on follow-up to some of the recommendations of the study, particularly in relation to ensuring the establishment and functioning of an adequate legal framework. In DRC, the Office implemented five pilot reparation projects that provided legal, medical, psychological and schooling support to survivors of sexual violence.

The Office’s leadership in engaging with UN partners, particularly the Inter-Agency Network on Women and Gender Equality (IANWGE), the UN Trust Fund on Violence against Women and the UN Action Network against Sexual Violence, ensured the inclusion of a human rights perspective in their work. This engagement also led to stronger partnerships and the elaboration of cooperation agreements, including with UN Women and UNFPA. The IANWGE’s project on mapping women’s access to justice fed into the development of the UN Joint Programme on Women’s Access to Justice by UN Women, UNDP and OHCHR. These activities specifically focused on gender and women’s rights and, where appropriate, took into consideration the impact on women, girls, men and boys.

The Office also continued to strengthen its cooperation with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Team of Experts on the Rule of Law and Sexual Violence in Conflict, established under Security Council resolution 1888. OHCHR, as a co-lead entity of the Team of Experts, assigned a staff member from the New York Office to serve as an expert and to ensure the full integration of human rights in State responses to conflict-related sexual violence. This was accomplished in relation to national-level justice processes in Colombia, Côte d’Ivoire, DRC and Conakry, Guinea and laid the foundation for similar efforts in CAR and Somalia. This also ensured the inclusion of relevant information on conflict-related sexual violence in recommendations issued by the Committee on the Elimination of Discrimination against Women to States Parties. Efforts were undertaken to ensure that the impact of sexual violence on women, girls, men and boys was noted in the work of the Team of Experts.
Peace missions. OHCHR also worked to improve the capacities of peace missions to monitor and investigate conflict-related sexual violence, including through the delivery of specialized training in DRC in December 2013 and the provision of enhanced guidance and support.

In addition, the Office provided human rights analysis to the wider UN system with respect to a number of countries not on the Security Council’s agenda, including through inputs to reports to the General Assembly, statements of the Secretary-General, inputs to internal briefings for senior UN officials as well as updates to the Secretary-General and to the Deputy Secretary-General regarding the inclusion of human rights perspectives in the context of ongoing political processes. These contributions assisted the UN system in developing more comprehensive responses to addressing country situations by systematically raising human rights concerns alongside political, humanitarian and development issues. This was particularly effective with respect to UN responses in a number of electoral processes, including in Bangladesh, Cambodia, Kenya, the Maldives and Nepal. The Office worked closely with UN departments, including the Office of the Secretary-General’s Special Adviser on Myanmar, to ensure human rights concerns were brought to their attention and addressed as part of UN system-wide engagement. The Special Adviser in turn raised human rights concerns related to the situation in Rakhine with the UN system and key government interlocutors and in his report to the General Assembly.

Violence against women in Iraq

Women in Iraq face a range of specific gender-based violations of human rights. Domestic violence is widespread, with a deep-rooted tradition of honour-related killings and induced suicide. The regional government in northern Iraq has adopted proactive legislation and policies to combat gender-based violence but implementation of the new norms has been slow. Women’s rights activists work under frequent threat of reprisals. Although a specialized police directorate has been set up to combat domestic violence and more women report such crimes, women who take action against abuse are at risk of killings and may need to seek refuge in shelters or asylum abroad.

A team of Human Rights Officers from the UN Assistance Mission for Iraq’s Human Rights Office in the northern Kurdistan region drew on their joint experience while working to address gender-based violations in the country. The team, comprised of one Swedish and two Iraqi nationals, travelled across the region to monitor, advice and conduct trainings for a range of actors, including police officers, shelter managers and women survivors of domestic violence and honour-related crimes. Because the team is seen as independent, it has been able to build trust and thus gain access in circumstances that are sensitive, such as attending mediation sessions between aggrieved family members or being invited to monitor allegations of violations in shelters.

Jamila’s story

My name is Jamila Salih. I work as a human rights officer in the in the Human Rights Office (HRO) of the United Nations Assistance Mission for Iraq (UNAMI).

I was born in a refugee camp near the city of Sinna on the Iraq-Iran border. When an amnesty was declared by the Iraqi Government for my father, I went to the southern city of Najaf in Iraq. At the age of 12, while enjoying my school summer holidays, our family received visitors and a party was held. Some time later, I found that my birth date had been “revised” to reflect me as being 13 and I realised that I was now a married woman.

My life changed drastically: I could no longer attend school, was taken away from my family and made to take over the chores of a big household as well as work in the fields. By the age of 22, I had given birth to four children.

I negotiated with my husband and his family to be allowed to study. The condition was that I had to continue all work in the house. My brother supported me by providing me with books and materials and I studied late at night. I finished high school with good marks and got accepted to a political science college in Mosul. My husband told me that if I moved, I would have to take care of all expenses of the children and the home. I worked three jobs while studying and graduated in the top three of my class. After two years, I used my savings to build my own house, continued studying and completed a Masters in Business Administration with honors.

I feel the pain of children who are not allowed to have a childhood or suffer injustice. This drew me to work as a human rights officer. I joined the Office in 2012 and am the focal point on minority rights, disability and migrant workers.
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.

The Office conducts analyses and provides early warning regarding potential or emerging situations leading to violence and insecurity, with a view to promoting timely interventions from OHCHR field presences and other parts of the UN human rights and humanitarian systems and conducting training and other activities to ensure all UN programmes are in line with international standards.

OHCHR has prioritized the integration of human rights in UN peacekeeping operations and special political missions in implementing the 2011 OHCHR/DPKO/DPA/DFS Policy on Human Rights in United Nations Peace Operations and Political Missions. This work focused on providing strategic policy, planning and recruitment support to DPA and DPKO and to the human rights components of 15 peace missions (Afghanistan, Burundi, Central African Republic, Côte d’Ivoire, DRC, Guinea-Bissau, Haiti, Iraq, Liberia, Libya, Mali, Sierra Leone, Somalia, South Sudan and Sudan). In particular, the Office contributed to the establishment of human rights components in new peace missions in Mali and Somalia; contingency planning for possible peace operations; and the review and reconfiguration of existing missions to ensure they include strong and appropriate mandates to support human rights components. OHCHR participated in DPKO/DPA Technical Assessment Missions to the Central African Republic, Mali and Somalia to ensure that human rights were mainstreamed into mission planning processes. The Office also supported human rights components in peace missions by incorporating specific considerations for human rights protection in UN policies related to conflict and post-conflict situations. In 2013, OHCHR coordinated the recruitment and selection of four Heads of human rights components for deployment to peace missions and worked with the Department of Field Support to assess over 570 candidates for deployment to human rights components of peacekeeping operations.

In the DRC, peacekeepers deployed to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) who were based in eastern DRC received training on a human rights approach to protection. During missions undertaken by the Joint Protection Team (JPT), MONUSCO’s military, which had participated in the training, showed an increased level of understanding and commitment during and after the training with regard to the protection of civilians. Following training, Community Liaison Assistants were better positioned to interact on a daily basis with local communities, were more proactive on protection issues, improved their reporting capacities and strengthened their roles as early warning agents. Protection assessments and missions in the eastern DRC ensured a more accurate analysis of the security situation and the early identification of protection threats.

OHCHR and DPKO continued to co-chair the inter-agency Review Group on the Human Rights Due Diligence Policy on UN Support to non-UN Security Forces. The Review Group was established by the Secretary-General to guide coherent implementation of the Policy by the UN system and periodically review experience. In July 2012 and September 2013, the Review Group conducted annual reviews of implementation of the Policy based on reports from a number of UN field presences in mission and non-mission settings. The reviews indicated that significant progress had been achieved in dissemination and implementation, underlined that UN entities providing support required more support and highlighted the need to strengthen implementation efforts by UNCTs, outside of peacekeeping operations. OHCHR led the preparations for the reviews and provided advice and support to UN field presences, peace operations and UN agencies at headquarters to implement the HRDDP, including through the elaboration and dissemination of a comprehensive draft HRDDP Guidance Note. UN entities have applied the Policy in a number of specific situations, developed guidelines and operating procedures at headquarters and in the field and increasingly requested advice and support from OHCHR on policy implementation. Advocacy and promotion activities around the Policy resulted in its placement at the centre of planning and reflections on UN strategies regarding military and peacekeeping operations, including UN-supported regional operations in Mali and Somalia. Following the transmission by the Secretary-General of the policy to the Security Council and General Assembly in February 2013, the HRDDP was referred to in most Security Council resolutions which established or extended the mandates of peacekeeping or special political missions and recalled Member States’ acceptance of the Policy and recognition of its value in guiding UN action in the field. In the context of HRDDP implementation efforts, human rights mainstreaming is more frequently understood to be both an obligation to comply with a set of norms and principles and
In Côte d’Ivoire, in 2013, UNOCI and UN agencies implemented the Human Rights Due Diligence Policy with the technical and substantive assistance of the Mission’s Human Rights Division. The Special Representative of the Secretary-General for Côte d’Ivoire adopted a standard operating procedure detailing the implementation framework of the Policy and an HRDDP Sub-Committee was created to provide advice to the Senior Management Group on requests for support from non-UN security forces. The HRD serves as the Secretariat to the Sub-Committee.

OHCHR and the UN Office of Human Resources co-chaired the Secretariat Working Group on the implementation of the Secretary-General’s Policy on Human Rights Screening of United Nations Personnel. The Office also co-led the implementation of the Policy’s pilot phase and organized briefings for Member States and NGOs.

OHCHR continued working towards the increased integration of all human rights standards and principles in humanitarian action by contributing to the work of the Global Protection Cluster (GPC) and ensuring that human rights considerations and approaches were integrated in IASC policies, strategies and operational decisions and processes, including the Transformative Agenda Protocols and its implementation in Level-3 crises, such as in Syria, the Philippines and the CAR. As a result of its continued engagement, OHCHR assumed the role of co-chair of the GPC Task Team, which includes facilitating, among other things, the development of an IASC policy on protection.

The Office’s role and engagement in humanitarian action in 2012 was largely focused on working with the humanitarian community to strengthen the integration of the findings of the United Nations Internal Review Panel on United Nations Action in Sri Lanka and the ensuing Rights Up Front Action Plan (see box page 82), in its policy and operational frameworks. In this way, and through concerted OHCHR efforts and engagement, particularly at the senior level and with the IASC, the protection of the rights of persons affected by humanitarian crises was increasingly placed at the centre of humanitarian policy and decision-making. Recognition of this fact resulted in the IASC adopting protection as one of its priorities for 2014-2015, emphasizing that humanitarian action must be undertaken in a manner that prevents and responds to ongoing or potential situations of international human rights and humanitarian law violations. IASC Principals endorsed a statement on the centrality of protection in humanitarian action and affirmed their commitment to implementing this vision.

In the same vein, the revised IASC terms of reference now specifically include the “protection of the rights of affected people” as a core element of IASC’s overall objective to improve the delivery of humanitarian assistance. IASC’s key role in advocating for the full respect for the rights of the individual in accordance with the letter and spirit of relevant human rights and humanitarian law provisions was also added to the terms of reference as one of IASC’s principal objectives.

OHCHR’s efforts with the Global Protection Cluster were strengthened throughout 2013. OHCHR coordinated with the GPC to bring the relevant findings of the Internal Review Panel report to the attention of the humanitarian community, which resulted in a recognition of the essential role that may be played in furthering key protection activities, such as human rights monitoring, reporting and advocacy, by OHCHR, its field presences and the UN human rights machinery. OHCHR also cooperated with the GPC to support the Protection Cluster’s engagement with United Nations peacekeeping and political missions, for example, by undertaking a joint inter-agency mission to Mali in August 2013. The report on the joint mission provided concrete recommendations to the Protection Cluster and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) on a number of issues, including strengthening their mutual engagement; protection strategies and risk assessments; information management; risk mitigation; and IDP return. The mission was welcomed as timely and useful.
and discussions held with relevant stakeholders in Mali were viewed as a helpful catalyst to putting key issues on the table for discussion. One of the report’s recommendations, that the OHCHR operate under the auspices of the Cluster to establish a Working Group on Access to Justice and Rule of Law, was implemented in January 2014.

OHCHR continues to lead Protection Clusters in Haiti and the State of Palestine and co-leads the Pacific Regional Protection Cluster with UNHCR. Since 2012, OHCHR has taken on the lead of the Protection Cluster in Mauritania and two Protection Cluster subregional hubs in the Philippines (see box page 89). The Office has also been involved in a number of rapid deployments specific to its role in humanitarian action. These include the deployment of three human rights officers to Rakhine state, Myanmar to support the Protection Cluster and the Humanitarian Country Team and the deployment, in March 2013, of three human rights officers to Lebanon to collect information on violations of international human rights and humanitarian law in Syria.

In terms of individual examples of the integration of human rights standards into the work of the UN, in Mali, OHCHR dispatched a human rights officer to the Economic Community of West African States (ECOWAS)/African Union (AU)/UN military planning mission in 2012. As a result, a reference to the Human Rights Due Diligence Policy was integrated in the Concept of Operations for the deployment of the “African-led International Support Mission to Mali” (AFISMA). In response to the large-scale humanitarian disaster in the Philippines following Typhoon Haiyan, OHCHR staff were deployed to ensure that human rights were fully mainstreamed into the humanitarian response and to strengthen the work of the Protection Cluster.

Women and girls continue to be particularly impacted by conflict, natural disasters and other situations of insecurity and violence. These situations exacerbate pre-existing patterns of gender-based discrimination and expose them to a heightened risk of sexual, physical and psychological violence. OHCHR, UN Women and UNDP have developed a global programme to increase women’s access to justice through law and justice reforms with a specific focus in five areas, namely: (i) ensuring de jure gender-equality through constitutional and legal reform; (ii) ensuring gender responsive judicial decision-making; (iii) ensuring gender sensitive justice service delivery; (iv) promoting non-discriminatory informal justice systems; and (v) improving women’s agency and leadership in claiming their rights.

Challenges and lessons learned

The Internal Review Panel on United Nations Action in Sri Lanka and the Rights Up Front Plan of Action have resulted in an increased recognition within the United Nations and the humanitarian community that UN action, including humanitarian action, must take into consideration human rights concerns if its responses are to effectively protect the affected people, including with a view to preventing and responding to violations of international human rights law and international humanitarian law.

In the OHCHR Report 2012, it was noted that “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 rather than the former hindering the latter and that the protection of human rights is placed at the centre of humanitarian action.” Protection in humanitarian crises was designated as an IASC priority for 2014 and 2015. This represents a turning point for OHCHR as it takes steps to more effectively mainstream human rights into the UN and broader humanitarian system. In 2013, OHCHR devoted a great deal of effort in achieving this result under the auspices of the IASC and the Global Protection Cluster. The IASC Principals endorsed a statement on the centrality of protection in humanitarian crises which was then circulated by the Emergency Relief Coordinator to all Humanitarian Coordinators. While recognizing that considerable progress has been achieved in integrating human rights as a critical element in humanitarian action, much needs to be done to better ensure that the protection of the rights of affected persons is systematically integrated as a central tenet in humanitarian action. The next phase of these efforts will include the IASC system-wide review of protection in accordance with the IASC Protection Priority and the development of an IASC policy on protection in humanitarian crises.

The successful implementation of landmark policies such as the HRDDP and the Secretary-General’s Policy on Human Rights Screening of United Nations Personnel requires relevant human rights information and analyses on issues that are not necessarily the object of systematic monitoring across OHCHR and therefore calls for additional efforts in this regard. Synergies have emerged, from initial HRDDP advocacy and promotion activities, between the UN system and other political and development actors which have adopted - or are considering adopting - similar policies, to promote more responsible ways to support security forces and military operations around the world.
Debates continued in 2013 in relation to the illicit narcotics trade and how to curb the activities of transnational crime, which has held whole populations hostage and subjected them to widespread violations of human rights, limiting their development and their right to lead dignified lives free from fear. Nonetheless, a global consensus among international actors has not been reached. The UN is now promoting a more coherent, multifaceted response which is centred on the rights of those affected. As entire communities begin to claim their rights to a life free from violence, it is imperative that effective responses be found and implemented by the UN system as a whole, which have at their core the protection of human rights.
Human rights mechanisms

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

**Background**

The High Commissioner is mandated to provide substantive support to the principal Charter-based organs in the field of human rights and its mechanisms and the treaty-based expert bodies.

OHCHR’s support for the Human Rights Council in 2013 entailed providing substantive and organizational assistance during 10 weeks of sessions, two weeks of meetings of the Human Rights Council Advisory Committee, four weeks of meetings of the Complaints Procedure and one week-long meeting of the Open-ended Intergovernmental Working Group on the Draft United Nations Declaration on the Right to Peace. Throughout 2013, the Council remained seized of human rights crises worldwide. The situations in the Syrian Arab Republic, the Democratic People’s Republic of Korea, the Central African Republic (CAR) and Somalia were addressed by the Council through commissions of inquiry and high-level dialogues. Furthermore, the Council held 15 panel discussions on subjects such as the rights of indigenous peoples, rights of the child, gender integration in the work of the Council, human rights and democracy, human rights and corruption and the rights of persons with disabilities. OHCHR provided substantive support to all of the panels.

The Human Rights Council also established two country and one thematic mandate over the year: on the situation of human rights in CAR and in Mali and on the enjoyment of all human rights by older persons. At the end of 2013, there were 51 special procedures (37 thematic mandates and 14 mandates relating to countries or territories) and 73 mandate-holders.
In 2013, the second cycle of the Human Rights Council’s Universal Periodic Review (UPR) continued with the full participation of all States. States under review continued to send high-level representatives and the Council observed a solid attendance rate with a high number of speakers. OHCHR serviced three sessions of the Universal Periodic Review Working Group during which 42 countries were reviewed.

OHCHR continued to support the work of the 10 human rights treaty bodies which are composed of 172 independent treaty body experts. The dramatic expansion of the system in the last decade created a number of challenges, including a significant backlog and a need for greater synergy between the treaty bodies. The intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system, which was launched in 2012, continued in 2013 with the support of OHCHR. In April 2014, the UN General Assembly adopted resolution 68/268, thereby concluding the process. The resolution grants additional meeting time and human and financial resources from the regular budget to the treaty bodies. Also, a capacity building package was agreed upon to assist States in fulfilling their treaty obligations. The General Assembly further adopted measures to modernize the treaty body system and make it more accessible. In addition, it recommended the harmonization by the 10 treaty bodies of their working methods. In recent years, OHCHR has created stronger linkages between the human rights mechanisms and taken steps to improve the harmonization of their work. It has also ensured that their work and that of the Office is complementary and moving towards the same overall goals. Engagement with relevant players at the regional and national levels, including State authorities, national human rights institutions (NHRIs) and civil society were strengthened. OHCHR’s field presences have played a critical role in this regard.

OHCHR, through its support to the human rights mechanisms, contributed to the following results achieved during the 2012-2013 biennium.

**Ratification (EA 2)**

*Increased ratification of international human rights instruments and review of reservations, with a focus on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), Convention on the Rights of Persons with Disabilities (CRPD), the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and the Optional Protocols to the Convention on the Rights of the Child (OP-CRC), CRPD, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) and the Second OP to the International Covenant on Civil and Political Rights (OP-ICCPR)*

OHCHR advocates for the ratification of human rights treaties and the withdrawal of reservations as a component of its ongoing work. While its focus is on United Nations instruments, the Office also highlights regional and humanitarian conventions when relevant. The High Commissioner routinely raises ratification-related issues in her public statements, press releases and bilateral meetings with governments. Ratification is also integrated in the Office’s technical cooperation work as part of the follow-up to recommendations issued during the UPR and by human rights treaty bodies and special procedures. During 2012-2013, a total of 113 ratifications were received (43 in 2013, 70 in 2012). As of the end of 2013, there were a total of 2,192 ratifications of and accessions to human rights treaties and protocols. This number includes the ratification of treaties, optional protocols and acceptance of articles relating to individual communication procedures.

OHCHR continued advocating for the ratification of the OP-ICESCR, which entered into force in May 2013, including in: Burkina Faso, Guatemala, Kazakhstan, Mali, Mexico, Paraguay, Peru, Republic of Moldova, Senegal, the former Yugoslav Republic of Macedonia (FYRM) and Togo. These efforts contributed to the entering into force of this instrument which enabled the Committee to receive and consider complaints from individuals and States Parties and undertake inquiries. This is an historical step that reaffirms the justiciability of economic, social and cultural rights and provides increased protection to individuals.

In advocating for ratification, field presences often worked in partnership with others, including regional organizations and United Nations Country Teams (UNCTs). The objectives were to: assist in the development of action plans that contain commitments for ratification and timelines for implementing certain conventions; provide technical assistance to prepare for ratifications, including by undertaking translations (Cambodia, Republic of Moldova, South Sudan); and undertake advocacy for ratification or on the withdrawal of reservations (Maldives and Mexico). In many cases, these efforts led to ratifications, for example: in Cambodia: CPED; in Georgia: CRPD and the OP-CRPD; in Mozambique: CRPD and ICRMW; in Uruguay:
In terms of the withdrawals of reservations, OHCHR mapped the status of all reservations and interpretative declarations in Mexico and promoted internal policy and/or legislative changes. OHCHR also sent official letters to the Senate committees involved in the process of removing reservations (one of them jointly with UNCHR and OIM). As a result, in October 2013, Mexico withdrew reservations to seven international treaties regarding the expulsion of foreigners and the scope of military jurisdiction in cases of enforced disappearances. Furthermore, Mexico withdrew two interpretive declarations regarding the CRPD and the OP-CRC.

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 advocated for the engagement of States with UN human rights mechanisms, including by providing support to bodies specifically created for cooperation with human rights mechanisms and ensuring adequate follow-up to their findings at the national level. In 2013, OHCHR commenced work on a study of good practices related to establishing standing national reporting and coordination mechanisms. Drawing on the results of the study, OHCHR published a compilation of relevant country practices to assist Member States that wish to create or reinforce their own mechanisms to improve their reporting compliance.

A number of States, with OHCHR’s support, created and strengthened mechanisms to follow-up on recommendations issued by human rights mechanisms and/or included such recommendations in human rights action plans with a view to their future implementation (i.e., Afghanistan, Costa Rica, Ethiopia, Liberia, Republic of Moldova, Panama, Serbia, Sierra Leone and the United Republic of Tanzania), as illustrated by the following examples:

- The Ministry of Justice of Afghanistan, with OHCHR’s support, prepared a National Action Plan on the Implementation of Recommendations of UPR, CRC and ICESCR in 2012. The Plan included indicators and details regarding assisting and supervisory organs and facilitated the implementation of recommendations during 2013. Building on this, the Government expressed its intention to create a matrix to track government actions to fulfil or respond to specific recommendations by mechanisms.

- The Liberian Government initiated the drafting of a national strategy to meet its international human rights obligations, including ratification, treaty reporting and the implementation of recommendations issued by the treaty bodies. OHCHR funded a validation workshop for the
National Human Rights Action Plan in September 2013, through which Liberia committed to conducting a compliance review, fulfilling its treaty reporting obligations and establishing a follow-up mechanism to track the implementation of treaty body and UPR recommendations. The Plan was launched on 10 December 2013.

In December 2013, the Government of Serbia launched a Proposal for the Establishment of the National Mechanism for Follow-Up to the recommendations of the UN Human Rights Mechanisms. This proposal is the result of five years of advocacy and advisory activities undertaken by the Human Rights Adviser (HRA) in cooperation with other actors such as OSCE and UNDP.

The Human Rights Council, particularly the Universal Periodic Review

During the second cycle of the UPR in 2013, the primary focus of national reports was on recommendations issued during the previous cycle. The reports highlighted progress made and identified implementation measures and developments in the human rights situation in the State under review. Increasingly, countries submitted mid-term updates (to date, 40 countries have done so) and several States reported on recommendations they had not initially accepted and addressed the status of implementation of voluntary pledges and commitments made during the previous review. The review mechanism raised awareness about a number of topics that are not systematically included in the human rights debate, i.e., Pacific Island States shared their concerns regarding the impact of climate change. With a view to facilitating the participation and increasing the engagement of Least Developed Countries (LDCs) and Small Island Developing States (SIDS) in the Human Rights Council and its UPR, a two-day interregional seminar was held in Mauritius in July 2013, in which 38 delegates representing 15 countries participated.

Most OHCHR field presences were involved in supporting either UPR reporting or follow-up to the review. This was primarily undertaken through workshops, the provision of guidance on the updated modalities and procedures for the second cycle reviews. In most cases, this engagement ensured participatory processes and that final reports complied with the UPR guidelines (Argentina, Belize, Brazil, Cambodia, Chile, Costa Rica, Dominican Republic, Fiji, Guatemala, Maldives, Niger, Peru, the FYRM, Tonga, Tuvalu, Ukraine, Uruguay and Vanuatu).

In South America (Argentina, Brazil, Chile, Peru and Uruguay), OHCHR provided technical assistance and advice under a regional project to support broad consultations for the analysis of UPR recommendations. Roadmaps for the implementation of UPR recommendations were developed and experiences were shared among participants on how to address human rights issues of common concern.

Finally, as part of OHCHR’s efforts to support States in following-up on UPR recommendations, it undertook needs assessment missions to Bahrain, Costa Rica, Dominican Republic and El Salvador.

Special Procedures

During 2013, special procedures undertook 79 country visits to 66 States and were accompanied and supported by OHCHR staff. The special procedures mandate-holders also sent 528 communications to 117 States in which they described allegations of
### Support to the Universal Periodic Review and country-level results

In accordance with its priority to strengthen the human rights mechanisms and the progressive development of human rights law, as outlined in its Management Plan 2012-2013, OHCHR continued to promote the engagement of Member States and stakeholders with the mechanisms and support the national-level implementation of and follow-up to recommendations emanating from human rights mechanisms, including those issued during the Universal Periodic Review (UPR).

In line with this approach, in 2013, the Office completed the indexing of all recommendations from the first cycle of the UPR into the Universal Human Rights Index, which now integrates the human rights recommendations from all human rights mechanisms (treaty bodies, special procedures and the UPR). Furthermore, the Office worked to strengthen partnerships between the UN system and regional human rights mechanisms through various forms of engagement and cooperation.

During the biennium 2012-2013, OHCHR received requests for assistance with follow-up to the UPR process. To support requesting States, which bear the primary responsibility for implementation, the Office developed a strategic framework to operationalize the Voluntary Trust Fund for Financial and Technical Assistance in the Implementation of the UPR. This framework defines guiding principles for the operation of the Trust Fund and prioritizes requests from Least Developed Countries and Small Island Developing States, enabling it to respond to requests in an orderly, fair, universal and transparent manner. The Office submitted its first report on the operation of the Trust Fund (A/HRC/24/56) to the Human Rights Council in September 2013.

In 2013, OHCHR pursued ongoing activities and approved requests submitted to the Trust Fund for assistance related to the implementation of UPR recommendations in: Argentina, Barbados, Brazil, Chile, Democratic Republic of the Congo, Fiji, India, Marshall Islands, Panama, Paraguay, Lao People’s Democratic Republic, Peru, Republic of Moldova, Thailand, Uruguay and Vanuatu.

In the Asia Pacific region, OHCHR provided support and advice for the follow-up to UPR recommendations in several countries, including Fiji, Indonesia, the Lao People’s Democratic Republic, Malaysia, the Marshall Islands, Myanmar, Philippines, Thailand and Vanuatu. In February 2013, OHCHR organized a meeting for government representatives and other stakeholders in the region to identify good practices related to common themes such as discrimination, freedom of expression, prevention of torture and the rights of minorities, including sexual minorities.

<table>
<thead>
<tr>
<th>Human Rights Violations or General Concerns</th>
<th>OHCHR Activities</th>
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<tr>
<td>Human rights violations or general concerns relating to laws and policies and urged relevant State authorities to take steps to investigate them and, where proven to be well founded, provide redress. Special procedures submitted 168 reports on thematic issues under their mandates and activities to the Human Rights Council and 36 to the General Assembly. They also worked to raise awareness of human rights issues falling under their mandates, including through expert consultations, news releases and public statements (379 in 2013).</td>
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<td>▶ On the basis of a specific recommendation issued by the Special Rapporteur on extrajudicial executions following his 2010 country visit, the Albanian Parliament amended the Constitution in late 2012 and enabled investigations and prosecutions of high officials and judges without prior authorization.</td>
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<td>▶ Following the recommendations of the Special Rapporteur on the independence of judges and lawyers, Kazakhstan adopted a law on free legal aid in July 2013. While the Law was not compliant with all international standards, it did entrench the right to legal aid and the Government has committed to allocating funds for this purpose. During the drafting process, the Regional Office for Central Asia raised awareness about relevant international standards in a series of round tables, provided expert advice on various drafts and facilitated discussions among parliamentarians and lawyers on key provisions.</td>
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1. All references to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.

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Supported by OHCHR, the Special Rapporteur on the situation of human rights in Myanmar visited the country twice in 2013. He continued to advocate for the release of prisoners of conscience, including with the Political Prisoner Review Committee set up by the President. During the course of 2013, 320 prisoners of conscience were released under six presidential amnesties. Some of these were cases that special procedures had taken up in communications and others were supported and followed up by the Regional Office for South-East Asia.

In Papua New Guinea (PNG), two legislative developments in 2013 addressed key recommendations issued by special procedures and treaty bodies. On 28 May 2013, the Sorcery Act of 1971 was repealed by the PNG Parliament and on 19 September 2013, the Parliament passed the Family Protection Bill which made domestic violence an offence and provided legislative backing for Interim Protection Orders that are issued to victims of domestic violence by the District Courts.

In Paraguay, in follow-up to the recommendations provided by the Special Rapporteur on poverty and human rights after her 2012 visit to the country, the Social Action Secretariat announced the following public interventions undertaken and statements issued by OHCHR-Mexico, the work of the NGOs that defended Mr. Arzate and the submission by OHCHR of a legal brief to the Supreme Court, the Court ordered the immediate release of Mr. Arzate. In its decision, the Court quoted relevant international human rights standards.

During his official visit to Mexico, the Special Rapporteur on extrajudicial, summary or arbitrary executions referred to the massacre at Villas de Salavcar and in his report, raised a concern that in certain cases, “a suspect may be convicted only based on self-incriminating confessions, obtained through torture or by the testimony of supposed witnesses who were not present at the scene of the crime. Under both these scenarios, the use of such scapegoats makes a mockery of justice. While this may create an illusion of accountability, it in fact results in a double injustice.”

Against this background and following public interventions undertaken and statements issued by OHCHR-Mexico, the work of the NGOs that defended Mr. Arzate and the submission by OHCHR of a legal brief to the Supreme Court, the Court ordered the immediate release of Mr. Arzate. In its decision, the Court quoted relevant international human rights standards.

Along with Mr. Arzate’s release, the accusations of torture committed by military personnel are being investigated by the civilian justice system in accordance with recommendations issued by international and regional human rights mechanisms and due to OHCHR’s advocacy.

### An unlawfully imprisoned victim of torture is released in Mexico

Ciudad Juárez, located in the north of Mexico, has one of the highest homicide rates in the world. In 2008, as a response to this situation, the Mexican Government decided to deploy the military to engage in law enforcement activities.

On 30 January 2010, at the housing complex Villas de Salavcar in Ciudad Juárez, a group of young people were gathered to celebrate a birthday. At approximately midnight, an armed commando attacked the party, killing 15 people and injuring another 10. On February 2010, a man named Israel Arzate was arbitrarily detained in Ciudad Juárez by military personnel upon suspicion of theft of a vehicle. He was taken to a military regiment, held incommunicado, tortured and forced to confess “his responsibility” in the massacre at Villas de Salavcar. He was imprisoned and subjected to preventive custody (“arraigo”), an arbitrary form of deprivation of liberty that has been criticized by several UN human rights mechanisms.

A number of NGOs took up the case of Mr. Arzate. OHCHR thoroughly documented the case and held several meetings with authorities, relatives of Mr. Arzate and the NGOs that handled the case. The National Commission on Human Rights issued a recommendation which concluded that the authorities, including the military, had violated Mr. Arzate’s rights of integrity and personal security, legality and legal security, by committing abusive acts which consisted of illegal detention, lack of communication, torture and the arbitrary use of force.

In November 2011, the Working Group on Arbitrary Detention adopted its Opinion No. 67/2011 and concluded that the deprivation of liberty of Mr. Arzate violated several human rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Working Group requested that the Government of Mexico immediately release Mr. Arzate; called for a thorough, independent and impartial investigation of the complaints of torture suffered by the victim; asked the Government to grant him full and suitable compensatory reparation; recommended the revision of the constitutional and legal provisions authorizing “arraigo;” asked for the withdrawal of the authority granted to the armed forces to participate in the investigation and prosecution of criminal offences; and reminded the Government that the armed forces should not engage in the apprehension, arrest and detention of civilians.

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the Government’s intention to develop a National Development Plan with a human rights-based approach.

On the basis of key findings of the Independent Expert on the situation of Somalia and a number of key recommendations issued by the UPR, the Post-Conflict Human Rights Roadmap was adopted on 27 August 2013. With support provided by the United Nations Political Office for Somalia (UNPOS), the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General on Children in Armed Conflict visited Somalia in April 2013. As a result of the visit, the Government and the UN signed a joint communique on key commitments related to the prevention of sexual violence.

Treaty bodies

In 2013, the treaty bodies with a State Party reporting procedure received a total of 108 State Party reports, including 12 common core documents. The treaty bodies adopted concluding observations in relation to 135 States Parties. The Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of Persons with Disabilities (CRPD), the Committee against Torture (CAT) and the Human Rights Committee examined and adopted final decisions on 116 communications and issued 53 requests for interim measures of protection for alleged victims at risk of irreparable harm. In addition, the Committee on Enforced Disappearances (CED) issued nine requests for urgent action under article 30 of the Convention.

OHCHR assisted the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) in carrying out three regular visits to Gabon, New Zealand and Peru, two advisory visits to Armenia and Germany and one follow-up visit to Cambodia. In Senegal, in July 2013, OHCHR supported the development and submission of the CEDAW report. Its previous submission was in 1994.

In 2013, the first compilation of Selected Decisions was published by CERD. OHCHR also revised and published two fact sheets on the human rights treaty body system and on the available individual complaints procedures to raise awareness among the general public.

Over the 2012-2013 biennium, through the provision of advice, capacity-development and other technical support, OHCHR contributed to improved reporting by States Parties under the international human rights treaties. OHCHR headquarters provided support in the form of training on the common core document and treaty specific guidelines, reporting, individual communications and follow-up to recommendations. For example, a training workshop was held on reporting and follow-up for the Interministerial Committee on Human Rights in Rabat, Morocco in September 2013 and another was held for francophone African countries in Tunis, Tunisia in December 2013. Many OHCHR field presences complemented these efforts by providing advice and technical assistance and facilitating exchanges between relevant stakeholders, i.e., in Afghanistan, Burundi, Cambodia, Côte d’Ivoire, the Democratic Republic of the Congo (DRC), Guatemala, Honduras, Madagascar, Maldives, Mauritania, Niger, Paraguay, Senegal, Sierra Leone, the FYRM, Togo and Uganda. Partnerships were developed between several of the treaty bodies and UN departments, including in relation to UNICEF’s reporting to CRC and UN Women’s reporting to CEDAW. These efforts significantly contributed to improved, timely and more inclusive reporting processes, compliance with reporting guidelines and a reduction in the backlog of reports awaiting review. They also had a generally positive impact on the constructive dialogue that took place during the review.

Examples of treaty body recommendations that contributed to concrete and positive changes at the country level were found:

In the Republic of Moldova, following briefings and trainings conducted by OHCHR on the basis of the 2011 recommendations issued by the Committee on Economic, Social and Cultural Rights (CESCR), it was reported that the Ombudsman for Psychiatry will be formalized
and receive State budget funding from 2014. In parallel, an interministerial working group completed the draft law on the reform of the institution of guardianship and it is now pending the launch of official consultations.

In the Russian Federation, based on a CEDAW recommendation, a draft law on combating domestic violence was submitted by a working group to the Parliament. OHCHR, with local partners, conducted an expert consultation on the protection of victims of violence.

In Mexico, judicial authorities increasingly incorporated international human rights standards into their rulings following the 2011 constitutional reforms on human rights which grant constitutional status to international human rights treaties and “amparo” and seminal decisions handed down by the National Supreme Court of Justice. OHCHR played a key role in this development by submitting eight compilations of relevant international norms and standards to the National Supreme Court of Justice, including on the scope of military jurisdiction; the obligation of the State to effectively investigate and punish violence against women; temporary special measures; and liberty and the presumption of innocence.

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**

Against the backdrop of a long-standing history of engagement and mutual support between civil society and UN human rights mechanisms, OHCHR continued to expand its public information tools, making better use of new technologies to improve access to all bodies and mechanisms including special procedures, treaty bodies and UPR. For instance, in relation to the Human Rights Council and UPR, a Practical Guide for Civil Society was made available to clarify processes and procedures.

During 2013, the treaty bodies received more than 1,000 written submissions from civil society, NHRIs and UN entities. In addition, over 1,000 observers attended public meetings of the treaty bodies. Information tools, including 50 Weekly Updates and three Human Rights Treaties Division Quarterly Newsletters for civil society were introduced. This greatly increased the participation of NGOs not based in Geneva. During the Council sessions in 2013, NHRIs and NGOs were able to intervene during the adoption of UPR outcomes by video message, thereby enhancing the participation of national civil society actors. In 2013, 12 ‘A’ status accredited NHRIs participated in the adoption of the UPR outcomes during the Council’s plenary and intervened immediately following the States under review (three of which were through video messages).

**New technologies facilitate access for civil society to the Human Rights Council and treaty bodies**

- An online sign-up system and a new electronic inscription system for the list of speakers for the Human Rights Council were introduced. This greatly improved the accessibility for NGOs in the UPR and facilitated the participation of NGOs not based in Geneva. During the Council sessions in 2013, NHRIs and NGOs were able to intervene during the adoption of UPR outcomes by video message, thereby enhancing the participation of national civil society actors. In 2013, 12 ‘A’ status accredited NHRIs participated in the adoption of the UPR outcomes during the Council’s plenary and intervened immediately following the States under review (three of which were through video messages).
- Through OHCHR’s Facebook and Twitter accounts and other social media platforms, OHCHR continued to develop and use online systems to facilitate civil society participation in the sessions of some treaty bodies. For example, the Office supported and encouraged colleagues in the use of existing UN online systems (i.e., CSO Net) to manage the accreditation for sessions of CEDAW, CED and the Human Rights Committee. OHCHR also developed and tested a new online registration system to facilitate the management of written contributions of stakeholders related to the UPR. Through this system, OHCHR received approximately 900 such documents from civil society, NHRIs and UN entities in 2013.
2013, OHCHR continued to make the Universal Human Rights Index available as an updated and comprehensive tool for searching treaty body outputs and the indexing of recommendations emanating from the first cycle of the UPR was completed. Finally, over 600 observers from civil society took part in Human Rights Council sessions by providing over 400 written statements and 1,200 oral statements and organizing nearly 300 side events.

Numerous advocacy and capacity-building activities that were undertaken at the country level to further civil society's engagement with human rights mechanisms complemented the efforts described above. OHCHR field presences in Argentina, Azerbaijan, Belize, Bolivia, Cambodia, Chile, Costa Rica, Côte d'Ivoire, Georgia, Guatemala, Guinea, Indonesia, Kenya, Lao People’s Democratic Republic, Maldives, Malaysia, Mauritania, Mexico, the State of Palestine, Paraguay, Peru, Russian Federation, Togo, Uganda, Ukraine, United Republic of Tanzania and Viet Nam helped to create civil society coalitions and assisted them in preparing alternative reports to treaty bodies or submissions to the UPR. Several of them sought to involve NHRIs, i.e., in Argentina, Azerbaijan, Chile, Kenya, Maldives, Peru, Russian Federation, Ukraine and the United Republic of Tanzania. In many cases, this resulted in a significant diversification of civil society actors engaging with the mechanisms and considerably increased the number of high-quality civil society reports and submissions that covered a wide range of pertinent issues. Some of the initiatives transitioned into follow-up mechanisms with a view to ensuring that the issued recommendations are implemented:

- In Togo, in 2013, following the CESCR’s publication of their concluding observations, the

Access to human rights mechanisms for persons with disabilities

As one of the outcomes of the report of the Task Force on secretariat services, accessibility for persons with disabilities and use of information technology, adopted by a decision of the Human Rights Council (A/HRC/DEC/19/119), OHCHR implemented a project aimed at ensuring that one panel per session of the Human Rights Council is fully accessible to persons with disabilities (in addition to the annual panel on the rights of persons with disabilities). Specifically, the project financed the provision of international sign language interpreters, captioning of the webcasting and the participation of an NGO from the disability community in the panel. In addition, easy-to-read versions of selected materials about the Council and panel summaries were produced. Finally, the project enabled the drafting and printing in accessible formats of an Accessibility Guide to the Human Rights Council.

Accessibility to the treaty bodies was also improved through the videoconferencing of sessions of the treaty bodies, primarily the Committee on the Rights of Persons with Disabilities, in order to improve accessibility to meetings at Palais Wilson and Palais des Nations.

The resulting report outlined short-, medium- and long-term measures. OHCHR implemented one of the recommendations, namely a training workshop in June 2013, on accessibility to documentation and websites, which was attended by OHCHR staff from headquarters and field presences.

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, briefs journalists in New York, October 2013.

Coalition for Economic, Social and Cultural Rights in Togo organized a dissemination workshop for 25 CSOs, which were then joined by 19 other CSOs, and led to the drafting of a plan of priority actions to promote and protect economic, social and cultural rights.

In Azerbaijan, OHCHR mobilized civil society through discussions and trainings on drafting submissions to treaty bodies and in anticipation of the second cycle of the UPR. As a result, the number of submissions increased. In total, 16 alternative reports were submitted by CSOs and the NHRI to the treaty bodies.

In Cambodia, OHCHR provided support to stakeholders through two workshops that were attended by 70 persons in April and June 2013 and resulted in the submission of 37 stakeholder inputs for the second UPR cycle. The submissions covered a wide spectrum of rights and issues, including fundamental freedoms, HIV/AIDS policies, land, housing and LGBTI rights.

In the Maldives, a significant increase in engagement with UN human rights mechanisms was noted in the latter part of 2013. Civil society and the media began to more actively use outputs from the mechanisms, such as general comments.

In 2013, following training provided by OHCHR and UNDP on reporting procedures and timelines, a total of 20 alternative reports prepared by 34 Ukrainian NGOs were submitted to the Human Rights Committee on the occasion of the consideration of Ukraine under the ICCPR. The Ombudsman Institution also submitted a report.

As a result of efforts undertaken by the OHCHR Regional Office for Central America, several organizations of indigenous peoples from Belize provided information for the Human Rights Committee’s list of issues in anticipation of its consideration of Belize’s periodic report in March 2013. The indigenous peoples’ organizations also submitted information in advance of the second cycle of the UPR in October 2013.

Special procedures, with the support of the Secretariat, worked to improve their outreach through a publicly accessible database which now includes over 800 opinions that have been adopted by the Working Group on Arbitrary Detention (WGAD) since 1992. The database significantly facilitates the further use of these opinions and resulted in several references to WGAD decisions by national courts. In 2013, with OHCHR’s support, the Special Rapporteur on the human right to water and sanitation developed a handbook for the realization of that right. The handbook provides practical guidance for stakeholders on the development of laws, policies, and budgets and explains how governments can be held to account for their actions (or inactions) related to ensuring universal access to water and sanitation.

In the field, OHCHR presences were involved in raising awareness and liaising with special procedures, where appropriate, including:

Following the mission to Costa Rica by the Special Rapporteur on indigenous peoples, the Regional Office disseminated his recommendations on the Diquis Hydroelectric Project to indigenous peoples’ organizations, which contributed to the Government initiating a dialogue with indigenous peoples from the affected areas and, overall, to an increase in the use of the special procedures by indigenous peoples. Furthermore, on the basis of a Regional Office-facilitated dialogue that took place between the Government, indigenous peoples and UN agencies, a roadmap was established to implement these recommendations.

OHCHR-Palestine conducted practical, focused workshops aimed at providing partners with the tools to effectively use the special procedures. At the workshop held in May 2013 in Gaza, 12 organizations attended, four of which had previous experience with submissions to the special procedures. In 2013, OHCHR started a programme to improve outreach to grassroots organizations that are based outside of the larger cities and in refugee camps, to raise awareness about how to use human rights law as a tool for their work and the special procedures as an advocacy channel.

All UN human rights bodies and mechanisms, as well as the President and the Bureau of the
Human Rights Council and OHCHR continued awareness-raising and advocacy efforts in relation to acts of intimidation and reprisals against persons who cooperate with the UN and human rights mechanisms. The annual report of the Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/24/29) was submitted to the Human Rights Council in June 2013 and sparked further discussion on how Member States and the UN can ensure better protection for those who engage with the UN and its mechanisms.

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

OHCHR supports the progressive development of international human rights law, notably through studies and consultations and by supporting human rights mechanisms in organizing thematic debates or elaborating guiding principles and general comments. As a result, numerous mechanisms made important contributions to the development of international human rights law, i.e., the Advisory Committee elaborated a report on the issue of hostage-taking by terrorist groups, which sheds light on the definition of terrorist hostage-taking, its nature, scope and dimensions and recommends that States engage in a discussion on how to tackle the challenging issue of the legality of payment of ransom to terrorist hostage-takers. This issue has been picked up by the international media, particularly in the context of hostage-taking for ransom.

Following a consultation process undertaken with OHCHR’s support, the Special Rapporteur on the right to food presented the Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements to the Human Rights Council in March 2012, which served as a reference for the human rights system in its interaction with Member States and informed a range of case studies by NGOs and independent research institutions. The Council of the European Union, following its adoption of the European Union Action Plan on Human Rights and Democracy, is now using the Guiding Principles to identify specific human rights that are likely to be affected by particular measures in trade agreements (Parliamentary Questions, E-004302-13, 30 May 2013).

The 2013 thematic report of the Special Rapporteur on the right to freedom of opinion and expression to the Human Rights Council called for more attention to the widespread use of surveillance technologies by States within and outside national boundaries and indicated that national laws regulating State involvement in communications surveillance are often inadequate or are not in place. The report received particular attention as it was presented to the Human Rights Council only days before revelations were made on mass surveillance initiatives. The 68th session of the General Assembly welcomed the report and included some of its recommendations in a resolution on the right to privacy in the digital age.

The Special Rapporteur on torture participated in the ongoing United Nations Office on Drugs and Crime (UNODC) coordinated review of the Standard Minimum Rules for the Treatment of Prisoners, which includes updated standards of international law. Following the Special Rapporteur’s report on the subject, the related expert consultation in Oxford in July 2013 and his presentation to the General Assembly in October 2013, States, regional mechanisms (i.e., the Inter-American Commission on Human Rights) and CSOs have engaged more actively in the review process.

OHCHR also facilitated discussions among Member States and other relevant stakeholders with regard to new standard-setting exercises in emerging areas of international human rights law. For instance, it has served, individually or jointly with other UN agencies, as Secretariat of the Open-ended Working Group on strengthening the protection of the human rights of older persons and of the Open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas.

The Special Rapporteur on extreme poverty and human rights met with rural communities during her official mission to the Republic of Moldova, September 2013.
Coherence among human rights mechanisms (EA 9)

Enhanced coherence and consistency in the system of human rights mechanisms

In 2013, OHCHR continued to encourage partnerships and coordination between the various human rights mechanisms which led to increased synergies between the UN and regional mechanisms and contributed to more effective mainstreaming of human rights within the United Nations.

- The Special Rapporteurs on the right to food and to safe drinking water and sanitation and a member of the Working Group on discrimination against women participated in CEDAW’s general discussion on rural women on 7 October 2013 which contributed to the preparation of a general recommendation on the issue.

- In February 2013, the Special Rapporteurs on freedom of religion or belief and on freedom of opinion and expression participated in a seminar convened by the Offices of the United Nations

Special Adviser on the Prevention of Genocide and of the United Nations Special Adviser on the Responsibility to Protect regarding prevention of incitement in situations where there is an imminent risk of large-scale violence. As a result, on 26 November 2013, the Offices presented a draft options paper on the prevention of incitement to violence that could lead to atrocity crimes.

- Of the 528 communications sent by Special Procedures to 117 States in 2013, 84 per cent (an increase from approximately 75 per cent in 2012) were jointly sent by two or more mandate-holders, as a result of close coordination. With the support of OHCHR, a number of joint statements by several or all of the mandate-holders were made during the year, i.e., in May 2013, the Chair of the Special Procedures’ Coordinating Committee made a statement during the Human Rights Council debate on the situation of human rights in the Syrian Arab Republic and on the killings in Al Qusayr.

- The annual Meeting of Chairpersons took place in New York, in May 2013, in order to foster synergies between the treaty bodies and the treaty body strengthening process.

Regional organizations

Following the adoption of the roadmap between the African Union and OHCHR in January 2012, focal points within the Secretariat of the African Commission on Human and Peoples’ Rights (ACHPR) and OHCHR were nominated and several special procedures mandate-holders participated in the 54th session of the ACHPR in October/November 2013.
Following the adoption of the Association of Southeast Asian Nations (ASEAN) Human Rights Declaration, the Regional Office in Bangkok continued consultations around strategic interventions relating to the ASEAN Intergovernmental Commission on Human Rights (AICHR) to encourage prioritizing the development of the AICHR protection mechanisms. The Regional Office also engaged with individual members of the AICHR or the AICHR Secretariat, cooperating, for example, to convene regional seminars on UPR follow-up and on the death penalty.

In September 2013, a Joint Declaration was signed on the reinforcement of cooperation between the Council of Europe Secretariat and OHCHR. The Council of Europe Secretariat also continued engaging with the UPR. In 2013, OHCHR received 14 written contributions for the UPR documentation from the Council of Europe and one from the European Union.

In 2013, the Special Rapporteur on torture addressed the Inter-American Commission on Human Rights, which endorsed his work on the use of solitary confinement and his recommendations on the Standard Minimum Rules for the Treatment of Prisoners which were submitted to UNODC in September 2013. The Inter-American Commission also sent written contributions for the UPR documentation of two countries that were reviewed in 2013 and five countries to be reviewed in early 2014.

Challenges and lessons learned

The past biennium clearly showed the value of strategic partnerships between the UN’s human rights mechanisms and OHCHR, in particular its field presences. The latter significantly contributed to improved and timelier State reporting to the UPR and treaty bodies and to the diversification of civil society actors engaging with the UN human rights mechanisms. On the other hand, many examples illustrate that strategic interventions by mechanisms helped to open doors and draw attention to certain issues. In many cases, often where the follow-up to the findings of the mechanisms was led by partners on the ground, real change was noted, including in terms of legal amendments, modified policies and increased references to international standards by the judiciary.

Mechanisms also continued to be at the forefront in further developing international human rights law, with reports that dealt with: hostage-taking; assessing the human rights impact of trade agreements; surveillance in the context of new technologies; detention practices; child rights; and hate speech. Many of these initiatives attracted considerable attention and media coverage and generated further discussions and initiatives.

The past biennium also showed that, while new technologies offer new opportunities in terms of outreach, accessibility and visibility to the human rights mechanisms, they also lead to an increased workload for OHCHR as more venues are at the disposal of actors who seek to engage with the mechanisms and expect prompt feedback and effective responses. Combined with the steadily growing number of mandates from the Human Rights Council, often without adequate additional funds, and in the context of budgetary restrictions, OHCHR sometimes struggles to respond to all of the existing, new and emerging demands it faces. With a view to enabling the Office to uphold the current levels of support, the human rights treaty body system engaged in a process aimed at its strengthening, which showed that diligently assessing cost and functionality of a mechanism, with full transparency and inclusiveness, may produce an enhanced and more efficient system.

Intimidation and reprisals against persons who have cooperated with the human rights mechanisms continue to pose considerable challenges as they rely on these individuals for the sharing of information. The mechanisms, with strong support from the High Commissioner and the Secretary-General, continue to explore avenues with a view to improving the protection of those who engage with the UN and bring allegations to its attention, sometimes at the peril of their life and security.