

# OHCHR in the field: Europe and Central Asia



Type of presence	Location
Special mission	● Ukraine
Regional offices	● Central Asia (Bishkek, Kyrgyzstan) ● Europe (Brussels, Belgium)
Human rights component in UN Peace Mission	● Kosovo*
Human rights advisers/officers in United Nations Country Teams	● Republic of Moldova ● Russian Federation ● Serbia ● South Caucasus (based in Tbilisi, covering Armenia, Azerbaijan and Georgia) ● The former Yugoslav Republic of Macedonia

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

OHCHR continued its engagement with the diverse region of Europe and Central Asia, which is composed of members of the European Union (EU) and its candidates and potential candidates, members of the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe (CoE) and the Commonwealth of Independent States (CIS), as well as a number of disputed territories under the effective control of de facto authorities. OHCHR strengthened its country engagement from

Geneva and through field presences, including the regional offices in Brussels (for Europe) and in Bishkek (for Central Asia), human rights advisers in the South Caucasus, the former Yugoslav Republic of Macedonia, Serbia and the Human Rights Office in the United Nations Mission in Kosovo; national project staff in the Russian Federation (following the departure of the Senior Human Rights Adviser in May 2016); a national human rights officer-led team in the Republic of Moldova; and the Human Rights Monitoring Mission in Ukraine (HRMMU). The Office continued to engage with United Nations Country Teams (UNCTs) through regular dialogue, joint advocacy and joint activities in the context of Common Country Assessment/United Nations Development Assistance Framework processes, including in countries without an OHCHR presence (i.e., Albania, Bosnia and Herzegovina, Turkey and Uzbekistan). The Office further strengthened its cooperation with regional organizations, such as the CoE, EU and OSCE, and deepened its partnership with other UN agencies.

OHCHR supported the High Commissioner for Human Rights with his annual report to the Human Rights Council on the human rights situation in Cyprus. It also supported the mandate of the Special Rapporteur on the situation of human rights in Belarus. The findings

of the HRMMU were released through four quarterly reports and a thematic report on the accountability for killings in Ukraine. They were presented to the Human Rights Council in March, June and December, followed by an interactive dialogue.

OHCHR continued to identify early warning signs of potential human rights violations and crises and to make and act on recommendations to address such situations, in particular in the context of the United Nations Human Rights up Front Initiative, as well as through public advocacy and direct engagement and communications with Member States. In response to the migration crisis in Europe, OHCHR deployed monitoring and advocacy missions to Bulgaria, France, Greece, Italy and the former Yugoslav Republic of Macedonia. Moreover, the Office took action in relation to protracted conflicts in Europe, including by contributing to the 2016 Secretary-General's report to the General Assembly on internally displaced persons in Georgia, which reiterated key principles of human rights protection in these territories.

In 2016, OHCHR supported visits undertaken by: the High Commissioner to Austria, Belgium, France, Germany, the Holy See, Liechtenstein, the Netherlands, Norway and Switzerland; the Deputy High Commissioner to Albania; and the Assistant Secretary-General for Human Rights to the Republic of Moldova and Ukraine. The Office also provided substantive inputs prior to the missions undertaken by the Secretary-General to Austria, the Baltic States, Central Asia, Greece, Finland, Italy, Portugal, the Russian Federation, Sweden and Switzerland.

## Special Mission

### Ukraine

Year established	2014
Staff as of 31 December 2016	46
Expenditure in 2016	US\$4,004,576

### Results

#### Strengthening international human rights mechanisms

- ▶ *A National Human Rights Action Plan, deriving from the Human Rights Strategy for Ukraine developed in 2014, integrates recommendations from UN human rights mechanisms (EA 6)*



OHCHR staff members gathering information during a monitoring mission to the Donetsk region in Ukraine, June 2016.

© OHCHR/Ukraine

The National Human Rights Action Plan (NHRAP) of Ukraine is expected to be reviewed and possibly amended in early 2017. Throughout 2016, the Human Rights Monitoring Mission to Ukraine (HRMMU) advocated for the update of the Action Plan by integrating recent recommendations issued by the United Nations human rights mechanisms as well as for the improvement of the indicators developed to assess its implementation. To support these efforts, the HRMMU collaborated with the Ukrainian Helsinki Human Rights Association and the Ombudsperson's Institution to co-organize a workshop on "Monitoring Instruments of National Human Rights Strategic Documents." The event sought to contribute to the development of relevant indicators to measure the implementation of the NHRAP.

- ▶ *UNCT agencies provide input to the development of the National Human Rights Action Plan of Ukraine (EA 11)*

The HRMMU continued supporting a coordinated United Nations approach to issues related to the NHRAP and its implementation. It conducted a mapping of UN activities undertaken in support of the Government's efforts to implement the Action Plan, which showed that UN agencies were often contributing to the implementation of the same activities without proper consultation and interaction. This finding led to a decision by the concerned agencies to hold targeted meetings to ensure that assistance is better coordinated and to prevent overlap. The HRMMU also updated the compendium of thematically clustered recommendations issued by UN human rights mechanisms in relation to Ukraine, which was first developed in 2014. This document, which was disseminated to UN agencies, NGOs and the Government, serves as an advocacy tool to raise awareness about the recommendations and as an instrument to monitor their implementation.

### Combating impunity and strengthening accountability and the rule of law

► *Torture prevention and accountability mechanisms are in place and functioning (EA 3)*

The Mission documented over 300 cases related to the torture or ill-treatment of people in detention and ensured follow-up on these cases through meetings, trial monitoring or advocacy letters. While the direct impact of HRMMU's interventions is difficult to measure, it is believed that they have contributed to the release from detention of at least 13 people who had been subjected to violations of their physical or mental integrity. The HRMMU also actively engaged with national stakeholders, including civil society, the Ombudsperson's Institution and the Government, in activities aimed at preventing and countering torture and ill-treatment. As an example, the HRMMU, the Ombudsperson's Office and an international NGO co-organized, in September, a workshop on "Documenting and investigating torture in Ukraine: Introduction of the Istanbul Protocol." The event was held to support the Government's efforts to fight impunity and strengthen accountability for human rights violations and gathered together representatives of medical departments of penitentiary institutions,

forensic bureaus, the police, the Office of the Prosecutor General, the Security Service of Ukraine, the Ministries of Defence, Justice and Health, the judiciary, NGOs and international organizations. Participants discussed challenges and capacity gaps in documenting and investigating torture in Ukraine. The HRMMU also enhanced the capacity of local NGOs to document grave human rights violations by presenting the methodology and database used by the Mission at a workshop on "Documenting human rights violations and war crimes in the context of the armed conflict in eastern Ukraine."

### Early warning and protection of human rights in situations of conflict, violence and insecurity

► *Mechanisms and initiatives are adopted to increase human rights protection in contexts of conflict, violence and insecurity (EA 3)*

The HRMMU attended more than 100 meetings with Government representatives in the capital and the regions of Ukraine and took part in four parliamentary hearings dedicated to various aspects of the human rights situation in the conflict area. The HRMMU outlined human rights issues in territories controlled by the armed groups and problems affecting internally displaced persons. It also stressed

## Release of detainees in Ukraine

The Human Rights Monitoring Mission in Ukraine (HRMMU) was established in 2014 and has five field offices and a presence in the capital of Kyiv. On 5 August 2015, the HRMMU field office in Dnipro, in eastern Ukraine, was contacted by a woman from Zaporizhzhia, a nearby region. Ms. Iryna Korolyova told the staff that her son, Dmytro Korolyov, had been abducted in Dnipro.

On 2 July 2015, her son Dmytro was sentenced to 5 years in prison for taking part in the armed groups fighting in eastern Ukraine. He was eligible for probationary release in August 2015. According to Ms. Korolyova, her son was going to be included in a "detainee exchange" between the Government and the armed groups. On the morning of 3 August 2015, Dmytro's parents arrived to pick up their son as he was to be released on probation that day. As he was leaving the pretrial detention facility, he was abducted by officers of the Security Service of Ukraine (SBU), pushed into their car and taken to an unknown location.

HRMMU remained in touch with Ms. Korolyova. Five months after his abduction and disappearance, she began receiving phone calls from her son who told her that he was being held incommunicado in the building of the Kharkiv SBU. Dmytro and other detainees were being held in anticipation of a "detainee exchange" with the

armed groups. The detainees were not allowed to communicate with the outside world, including their relatives. Dmytro was contacting his mother at his own risk. He and his two cellmates had a mobile phone hidden in the drop ceiling just above the door to the toilet at the end of the corridor. It was stolen from one of the guards by their predecessors who were later exchanged. When the detainees were not using the phone, they removed the battery and charged it by connecting to it the wires of their self-made charger. They had a plug in the cell and one of them would sit next to it, hiding the battery in his pocket.

HRMMU raised Dmytro's case with the Regional Prosecutor of the Dnipropetrovsk region. At the same time, HRMMU in Kyiv consistently raised the case during high-level meetings with the SBU. The incommunicado detention and disappearance of detainees in the Kharkiv SBU was described by HRMMU in its public periodic reports. On 10 June 2016, HRMMU transmitted a communication regarding the enforced disappearance of Dmytro Korolyov and a package of documents to the Working Group on Enforced and Involuntary Disappearances.

Due to the continuing pressure and attention focused on the topic, Dmytro Korolyov and 6 other detainees were released from incommunicado detention in Kharkiv SBU on 2 August 2016.

that even in a context where the State does not exercise effective control over parts of its territory, it remains obliged to use all legal and diplomatic means to ensure the protection of the rights of the population residing in those areas. The HRMMU further emphasized, through legal briefs, reports and oral interventions, the impact of the 2015 Government's decisions to derogate from international obligations under the International Covenant on Civil and Political Rights and the European Convention on Human Rights in relation to Government-controlled territories. As a result, two parliamentary committees announced, in October, the creation of a working group which will discuss the derogation issue. In addition, in an analytical note addressed to two parliamentary committees and three ministries, the HRMMU cautioned against the adoption of a draft law "on the temporarily occupied territory of Ukraine" which would create protection concerns, including a legal vacuum for people living in territories not controlled by the Government. As of the end of 2016, the draft law had not been adopted.

- *Increased responsiveness of the international community to potential, emerging or existing human rights crisis situations, with human rights protection as an integral element of this response (EA 10)*

The HRMMU continued to raise the awareness of the international community and local actors about the human rights situation in Ukraine through four public reports and one thematic report on accountability for killings, which contain facts, analyses and recommendations about conflict-related violations. HRMMU's monitoring and findings in June and July led to a statement by the High Commissioner for Human Rights, on 2 August, calling on all parties to the conflict to prioritize the protection of civilians and take urgent steps to de-escalate the tense situation. The HRMMU also made daily contributions to the United Nations Operations and Crisis Centre, enabling the wide dissemination of information relating to human rights developments in Ukraine. The HRMMU worked to ensure that human rights concerns, including those arising from the situation in the east, were reflected in the plans, programmes and activities of other UN agencies. Specifically, in the context of the development of the 2018-2022 United Nations Development Assistance Framework for Ukraine, it contributed to the country analysis by drafting a section on "Ukraine and human rights" and reviewing other parts of the report to ensure that the description of the national development context reflected a human rights-based approach. It also contributed to the development of Ukraine's 2016 Humanitarian Response Plan and ensured the inclusion of a provision explicitly outlining the need for human rights monitoring as part of the humanitarian response.

### Ukraine: Expenditure in 2016

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	-	2,686,313
Activities and operating costs	-	956,540
Subtotal	-	3,642,853
Programme support costs	-	361,723
<b>GRAND TOTAL</b>	-	<b>4,004,576</b>

## Regional Offices

### Regional Office for Central Asia (Bishkek, Kyrgyzstan)

Year established	2008
Staff as of 31 December 2016	10
Expenditure in 2016	US\$1,020,664

## Results

### Strengthening international human rights mechanisms

- *Recommendations from all international human rights mechanisms related to, inter alia, the administration of justice and the right to adequate housing implemented in Kazakhstan (EA 6)*

The Government of Kazakhstan drafted a plan of action to follow up on human rights recommendations, including those stemming from the Universal Periodic Review (UPR) and the Human Rights Committee. The Regional Office has communicated its views on the draft and will continue advocating for a more comprehensive plan, in line with human rights standards.

- *Establishment and/or fully functioning participatory standing national coordinating bodies on reporting/replying to individual communications and enquiries; and integrated follow-up to recommendations of all human rights mechanisms in Kyrgyzstan and Tajikistan (EA 6)*

In Kyrgyzstan, OHCHR continued to support the Coordination Council for Human Rights, which acts as a national mechanism for reporting and follow-up, in drafting a National Human Rights Action Plan (NHRAP). In this respect, technical support was provided to the Working Group on the NHRAP



Training for ministerial focal points on National Mechanisms for Reporting and Follow-Up in Tajikistan, November 2016.  
© OHCHR/Central Asia

through regular meetings and an organized retreat. Since the relocation of the Working Group under the Government's Office, however, its engagement with OHCHR has decreased and the Office will attempt to rebuild its relationship in 2017. In Tajikistan, OHCHR continued to advocate for the strengthening of the Commission on the Implementation of International Obligations in the Field of Human Rights, an inter-agency mechanism set up under the auspices of the Government of Tajikistan, to function as a national mechanism for reporting and follow-up. With OHCHR's support, the Government has made considerable efforts to improve the operations of the mechanism, including by: reviewing its regulations to expand the role of civil society; enhancing the mechanism's functions on monitoring and follow-up with the appointment of human rights focal points at the ministerial and municipal levels; launching and regularly updating the Commission's website; and hosting public consultations with civil society organizations.

### Combating impunity and strengthening accountability and the rule of law

- ▶ *Criminal justice legislative and policy frameworks, including in relation to past human rights violations, significantly improve their compliance with international human rights standards in Kyrgyzstan (EA 1)*  
The Regional Office supported the Kyrgyz Parliamentary Committee on Constitutional Legislation, State Structure, Judicial and Legal Issues and Regulations during the legislative review of the Criminal Procedure Code. The Office provided human rights language and technical advice and its recommendations were reflected in the final draft of the Criminal Procedure Code.

- ▶ *Human rights training institutionalized for judges and prosecutors in Kyrgyzstan (EA 1)*

OHCHR continued to provide comprehensive capacity-building to the Judicial Training Centre and the Training Centre for Prosecutors. In total, the Regional Office trained 66 newly appointed judges on international human rights standards and the Istanbul Protocol, as well as 55 prosecutors on the role of the Prosecutor's Office in ensuring the effective investigation of torture, sexual and gender-based violence in Kyrgyzstan. The Office further contributed to the institutionalization of the training of prosecutors by developing a human rights manual.

- ▶ *National Preventive Mechanisms against torture as provided for under OP-CAT are fully functioning in Kazakhstan and Kyrgyzstan (EA 3)*

In Kazakhstan, the National Preventive Mechanism (NPM) improved its ability to operate in line with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) as a result of capacity-building activities facilitated by the Regional Office. The NPM has nevertheless had limited access to health facilities. Following OHCHR's advocacy to align national legislation with OP-CAT, Parliament took steps to initiate amendments to legislation that would enable the NPM to cover all places of deprivation of liberty. In Kyrgyzstan, partly as a consequence of advocacy undertaken by the Regional Office and other actors, regressive amendments to the NPM law were successfully halted. The Office also continued to strengthen the capacity of the National Centre for Prevention of Torture through targeted activities, which included support for the organization of meetings, the presentation of annual and monitoring reports and the revision of its structure, processes and strategic plans.

### Widening the democratic space

- ▶ *Legislative and policy frameworks increasingly preserve and guarantee democratic space in Kyrgyzstan (EA 1)*

Legislation that could have represented an important regression in terms of human rights achievements has been successfully challenged, due in part to advocacy efforts of OHCHR and civil society. Among others, an anti-LGBTI legislative initiative has been stalled and an initiative restricting financing of foreign donors was rejected at its last reading by the Parliament.

- ▶ *Strengthened and meaningful participation of rights-holders, in particular minorities, in selected processes, predominantly those related to housing, land and property rights in Kyrgyzstan (EA 5)*

Following a national conference on increasing the participation of ethnic minorities in State structures that was facilitated by OHCHR in 2015, the Office

and the State Personnel Agency implemented five measures to contribute to opening spaces for ethnic minorities. One of the measures focused on drafting supplementary regulations to the new draft Civil Service Law, which includes provisions on human rights, equality and non-discrimination in terms of access to civil service. With support from OHCHR, the National Commission for the State Language, developed training materials in the Kyrgyz language for civil servants in order to enhance the participation of minorities in political life. Civil servants who do not yet speak the Kyrgyz language are required by law to be fluent by 2020. The National Commission has already delivered free classes for 511 civil servants, including 212 individuals who were from ethnic minority communities.

### Regional Office for Central Asia (Bishkek, Kyrgyzstan): Expenditure in 2016

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	501,906	152,234
Activities and operating costs	152,591	172,493
Subtotal	654,498	324,727
Programme support costs	-	41,440
<b>GRAND TOTAL</b>	<b>654,498</b>	<b>366,167</b>

## Multicultural education in Kyrgyzstan

The Regional Office for Central Asia (ROCA) initiated the introduction of a course on multicultural education in three pilot universities with the aim of increasing youth awareness about human rights and particularly minority rights. The multicultural education course covers the topics of minority rights, tolerance, respect for diversity and effective communication skills and is based on interactive methods of teaching. Within the framework of this initiative, ROCA conducted trainings for the professors of Batken, Jalalabad and Osh State Universities, who then conducted follow-up classes on multicultural education for the students of the respective universities to determine the effectiveness of the course.

ROCA also supported an expert to conduct consultations and on-the-job mentoring with instructors from Jalalabad and Batken State Universities during the university semester to improve the skills of professors in delivering the course. During the consultations, around 150 students, half of which took the course for one semester, filled in a questionnaire that was prepared by ROCA to measure the impact of the course on the students through their understanding of minority rights, diversity and tolerance in comparison with students who had not taken the course. The results showed that students who had attended the course showed more tolerance than those who had not attended it. Furthermore, the students who attended the course noted that they had started to make friends with minorities; stopped perceiving minorities negatively; shared the knowledge they had gained during the course with peers and parents and indicated that the course had helped them to overcome ethnic stereotypes.

Based on the results of the pilot semester, ROCA developed a more comprehensive teaching manual to pro-

vide theoretical knowledge that would enable university teachers and students to address issues related to cultural diversity, tolerance and the rights of minorities. In addition to the manual, CDs were produced with supplementary reading materials, including the international human rights instruments. The manual is available in the Russian and Kyrgyz languages.

As a result of this initiative, Batken and Jalalabad State Universities introduced the multicultural education course as an elective option in the 2016 academic year and Osh State University began piloting the course in the 2016-2017 academic year.

In addition, three resource centres on multicultural and multilingual education were established at the respective universities. The centres will address activities such as awareness-raising through the dissemination of information about human rights; promoting intercultural dialogue between professors, school teachers and students and their parents; providing consultative support to professors about interactive methods of conducting classes on multicultural education and trainings for interested parties; monitoring and evaluating the results of the course on multicultural education; initiating research on topics related to diversity, ethnic relations, human rights and other issues; and providing logistical and administrative support for students that are organizing different cultural events, including festivals, contests, open days and debates.

OHCHR provided the centres with publications on human rights, including minority rights, as well as other documents. The manuals on multicultural education in the Kyrgyz and Russian languages will be also available in these centres.

## Regional Office for Europe (Brussels, Belgium)

Year established	2009
Staff as of 31 December 2016	6
Expenditure in 2016	US\$1,272,795

### Results

#### Strengthening international human rights mechanisms

- ▶ *Increased use of United Nations human rights mechanisms and bodies by diverse rights-holders (especially Roma and migrants), NHRIs and civil society organizations acting on their behalf in at least three States in the region (EA 7)*

OHCHR strengthened its engagement with regional national human rights institutions and civil society organizations on human rights challenges related to, for instance, the rule of law and counter-terrorism. The Office collaborated with key civil society organizations in its advocacy efforts undertaken at the European Parliament regarding troubling elements in the draft European Union (EU) Counter-Terrorism Directive.

#### Enhancing equality and countering discrimination

- ▶ *NHRIs and equality bodies take concrete measures to address discrimination issues; increase direct participation of rights-holders from groups at risk (especially Roma and migrants) and involve civil society organizations representing these groups in their activities in at least two States in the region (EA 5)*

Through its advocacy, the Regional Office persuaded the European Commission to block the Czech Government's intention to use EU Structural and Investment Funds to build and renovate segregated care institutions for persons with disabilities, in violation of article 19 of the Convention on the Rights of Persons with Disabilities (CRPD). In April, the European Commission communicated to the Czech Government that this action was not eligible for EU funding and, in July, the Czech Government revised the call for applications. Furthermore, OHCHR provided inputs to the "Opinion of the European Fundamental Rights Agency concerning the requirements under article 33(2) of the CRPD." The Opinion was included in the report prepared by the European Parliament Committee on Employment and Social Affairs entitled "Implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the UN CRPD Committee" which aims to support the EU's follow-up to the CRPD Committee's Concluding Observations on the initial report of the European Union.



Migrants at a refugee camp on Lesbos Island, Greece.  
© UN Photo/Rick Bajornas

- ▶ *Increased integration of human rights of migrants in international and regional processes relevant to migration (EA 10)*

The Regional Office undertook substantial efforts to provide evidence-based guidance on international standards relevant to migrants within a regional political context that is increasingly security-driven and more focused on deterrence and detention than protection. The Office was increasingly called upon by duty-bearers and rights-holders to provide input and guidance on the human rights of migrants. It also participated in four OHCHR migration monitoring missions to assess the situation on the ground, which enabled the Regional Office to strengthen its advocacy messaging for human rights-based governance measures at the regional and member state level. In addition, the Regional Office spearheaded efforts to establish a coordination mechanism between relevant actors on immigration in Brussels to avoid overlap and in order to capitalize on existing resources. A first coordination meeting was held in May to brainstorm on areas of coordination. Efforts to set up a coordination mechanism will continue in 2017.

#### Integrating human rights in development and in the economic sphere

- ▶ *Increased participation of rights-holders and CSOs which represent them, in the design and monitoring of public policies in the region, particularly: EU development policies; public policies and budget processes affecting socially excluded ethnic groups (Roma and Travellers) in at least three States of*

*the region; public policies dealing with the right to independent living of persons with disabilities and family or family-type care of children in at least five States of the region (EA 5)*

In its engagement with EU institutions, the Regional Office consistently advocated for the integration of a human rights-based approach (HRBA) in the strategies and plans of the institutions, including the EU's new Development Strategy, by being involved at relevant briefings in Brussels or promoting the participation of OHCHR colleagues at HRBA trainings organized by the EU in the field.

### Regional Office for Europe (Brussels, Belgium): Expenditure in 2016

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	666,432	4,414
Activities and operating costs	255,900	305,730
Subtotal	922,331	310,144
Programme support costs		40,319
<b>GRAND TOTAL</b>	<b>922,331</b>	<b>350,463</b>

## Human Rights Section in UN Peace Mission

### Kosovo\*

Year established	Stand-alone office closed in 2015 and was replaced by a Human Rights Section within the United Nations Interim Administration Mission in Kosovo
Staff as of 31 December 2016	8

### Results

#### Combating impunity and strengthening accountability and the rule of law

- ▶ *A transitional justice strategy that conforms to international human rights standards is adopted and being implemented (EA 3)*

The Interministerial Working Group on Dealing with the Past and Reconciliation did not finalize the planned consultations with stakeholders and did not develop a transitional justice strategy. Over the past two years, OHCHR supported the transitional justice process by facilitating training sessions for

the Working Group, providing inputs to two documents prepared by the United Nations Mission in Kosovo which contain analyses and recommendations for the integration of relevant actors of northern Kosovo\*, and contributing to two NGO-drafted policy documents, which include recommendations for the protection of communities' rights. These documents will serve to inform the transitional justice strategy.

#### Integrating human rights in development and in the economic sphere

- ▶ *Human rights duly taken into consideration in the drafting process of the new United Nations Common Development Plan document. Human rights accountability of the United Nations Interim Administration Mission in Kosovo/European Union Rule of Law Mission is increased (EA 11)*

OHCHR contributed to the implementation of the new United Nations Kosovo Team (UNKT) Common Development Plan 2016-2020, which fully integrates a human rights-based approach and addresses various strategic priority areas, including governance and the rule of law. OHCHR also contributed to the implementation of UNKT activities related to the promotion of the Sustainable Development Goals and had an active role in the Gender Thematic Group.

#### Widening the democratic space

- ▶ *Increased level of meaningful participation of women in selected public processes, notably those relating to sexual and gender-based violence (EA 5)*

There was a considerable increase in the participation of women in public processes related to sexual and gender-based violence, partially as a result of OHCHR's advocacy and interventions implemented as a member of the UN Joint Programme on Gender-Based Violence. The Office also undertook awareness-raising on gender-based violence by producing and broadcasting more than 80 thematic radio and TV programmes in cooperation with local radio and television stations, contributing to an increase in the reporting of gender-based violence cases to police by 40 per cent in 2016. Furthermore, through its partnership with local NGOs, OHCHR supported the establishment of integrated psychosocial services for survivors of gender-based violence, including psychological counselling, psychotherapy and trauma therapy for women and children. Support was provided to more than 200 beneficiaries in 2016. Survivors have had access to free legal aid and economic reintegration programmes since OHCHR took over the local centre for prevention and the protection of women from violence. OHCHR also advocated for the shelter for gender-based violence survivors in North Mitrovica. As a result, the Municipality provided premises for the shelter and OHCHR provided funds for furniture, equipment and training.



## Addressing gender-based violence in Kosovo\*

Analysis done by a number of UN agencies, including OHCHR, showed that there was a serious gap between the number of cases of gender based-violence reported to the police in northern Kosovo\* (43 in 2014) and the findings of studies that were conducted by civil society organizations according to which one in every four woman from the area had experienced some form of gender-based violence. In addition, the post-conflict environment and the extremely complex political situation, which includes weak rule of law institutions, exacerbate the problem and lead women to be reluctant to report violence in the absence of adequate institutional protection and referral mechanisms.

To address this issue, OHCHR decided to partner with local media and institutions, NGOs and international organizations to raise awareness about gender-based violence and challenge negative social norms and attitudes associated with gender inequality. One of the activities focused on the production and broadcast of more than 80 thematic radio and TV programmes and documentaries aimed at sensitizing the general public. This was complemented by panel discussions and round-tables on women's rights and gender equality, as well as events involving women, children and youth that were organized on various occasions, including International Women's Day, International Day of Rural Women, International Children's Day and International Day of Persons with Disabilities. OHCHR contributed also to establishing

a Violence Reporters' Network, in partnership with local NGOs, school parliaments and centres for social welfare, with the aim of further alleviating the gap between the prevalence of gender-based violence in northern Kosovo\* and official statistics of cases that have been reported to police. The Network has already begun reporting cases to the centre for social welfare and the police.

Through partnerships with local NGOs, OHCHR further ensured the availability of key support services for survivors, including psychosocial counselling and psychotherapeutic services, legal aid and access to economic empowerment programmes, benefiting more than 200 women in 2016. Furthermore, after a successful advocacy initiative that was led by OHCHR, the municipality of North Mitrovica allocated premises to be used as a shelter for survivors of gender-based violence. OHCHR provided the necessary equipment and furniture and organized capacity-building training for staff members.

According to statistics released by the Kosovo\* police, reporting of gender-based violence and domestic violence cases in northern Kosovo\* increased by more than 40 per cent in 2016. It is believed that this increase can be largely attributed to the awareness-raising and communication activities that were implemented by OHCHR in addition to the creation of the Violence Reporters' Network and the establishment and functioning of key protection and reintegration services for survivors.

## Human Rights Advisers/ Officers in United Nations Country Teams

### Republic of Moldova

Year established	2008
Staff as of 31 December 2016	2

### Results

#### Strengthening international human rights mechanisms

- ▶ *Women and others from marginalized or vulnerable groups, including Roma, persons with disabilities, older women or persons from the Transnistrian region, make effective use of the individual communications procedures of CEDAW, the two Covenants and ICERD (EA 7)*



OHCHR event organized in the Republic of Moldova on the occasion of International Day of Persons with Disabilities, November 2016. © OHCHR/Republic of Moldova

With the support of OHCHR, five individual complaints were submitted to the treaty bodies, including two under the International Convention on the Elimination of All Forms of Racial Discrimination and three

under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. In relation to the Republic of Moldova's second Universal Periodic Report (UPR), the national human rights institution submitted two reports while civil society organizations prepared 34 submissions.

► *UNCT increasingly engages with international human rights mechanisms (EA 11)*

With the technical support of OHCHR, the United Nations Country Team (UNCT) prepared submissions under the Convention on the Rights of Persons with Disabilities and in anticipation of the second cycle UPR of the Republic of Moldova. OHCHR also advocated for the inclusion of a human rights-based approach in the new 2018-2022 United Nations Development Assistance Framework (UNDAF). As a result, the current draft of the new UNDAF is significantly more rights-based than previous drafts.

### Enhancing equality and countering discrimination

► *Regulations and official scenarios (such as Pride events or segregated school districts) brought substantially into compliance with non-/anti-discrimination international law and standards (EA 4)*

With advice from OHCHR, the amended Criminal Code and Contravention Code of the Republic of Moldova, including provisions on hate crimes, were submitted to Parliament for adoption. New public policies on the rights of persons with disabilities, most notably on disability determination, deinstitutionalization, legal capacity and community-based social services, were also developed. OHCHR supported these initiatives by undertaking a mapping of needed reforms and developing studies on a disability determination system and the provision of community-based social services for persons with disabilities. Moreover, national stakeholders developed a new National Human Rights Action Plan, which includes recommendations from the human rights mechanisms, with technical advice from OHCHR, in particular through a study on the effectiveness of existing national human rights policies and mechanisms. Further, support was provided by OHCHR for the development of the first Action Plan on the Development of the Republic of Moldova's Roma Community Mediators.

### Combating impunity and strengthening accountability and the rule of law

► *Increased number of remedy decisions and decisions in discrimination cases in compliance with international law (EA 1)*

By the end of 2016, the Equality Council, with assistance from OHCHR, had reached decisions on approximately 300 cases, finding grounds of discrimination in nearly half of these cases. OHCHR carried out an analysis of a selected set of decisions

issued by the Equality Council and provided recommendations for the amendment of relevant legislative framework and the institutional strengthening of the Council. In addition, the Moldovan Constitutional Court struck down national legislation that prevented persons with disabilities deprived of their legal capacity to challenge that status, due in part to OHCHR's submission of an *amicus curiae*.

## Russian Federation

Year established	2008, following the adoption of cooperation framework in August 2007.
Staff as of 31 December 2016	5

## Results

### Strengthening international human rights mechanisms

► *Increased implementation of recommendations issued by treaty bodies, special procedures and the Human Rights Council relating to human rights institutions, judicial reform, human rights training for law enforcement officials, the rights of children and the rights of women (EA 6)*

Thirteen senior Russian civil servants from various line ministries attended a human rights orientation programme at OHCHR in Geneva. The programme plays a critical role in assisting relevant ministries and State institutions to coordinate their reporting to the human rights mechanisms.

### Widening the democratic space

► *A multidisciplinary Human Rights Programme has been integrated into formal higher education and institutionalized in several regions (EA 1)*

In 2016, nine full-fledged Human Rights Master Programmes were established in five regions of the Russian Federation and 152 students were registered. The curricula of the Master Programmes were enhanced through the development of courses on business and human rights and the implementation of international human rights norms and standards in the practice of Russian courts. OHCHR provided expert advice for the development of the training materials. To further strengthen inter-university collaboration, four regional Resource Centres were established with technical assistance from OHCHR. OHCHR also supported the IV Summer School on Human Rights, held at the Voronezh State University, where over 130 graduate students from 25 Russian universities had the opportunity to interact with 35 human rights experts and practitioners and international guest lecturers from 10 countries.

## Serbia

Year established	Office in 1996 and Human Rights Adviser in 2007
Staff as of 31 December 2016	3

### Results

#### Enhancing equality and countering discrimination

- ▶ *Legislation, policies and practices increasingly comply with anti-discrimination and equality standards (EA 4)*

Serbia adopted a new Roma Inclusion Strategy for the period 2016-2025, covering housing, health, employment, education and social protection. The HRA provided expert advice on a human rights-based approach and worked regularly with civil society actors engaged on the design of the Strategy. A new Law on the Prevention of Domestic Violence was adopted in November, while a Law on Housing was adopted in December. OHCHR provided the Government with extensive comments on multiple drafts of the law, aiming to enhance its compliance with human rights standards. Legal provisions on human rights in the context of resettlement were included in the draft, with a particular focus on social inclusion measures such as inclusion in mainstream schooling and support for access to the labour market. Inputs were also provided to amend Criminal Code provisions related to “copulation with a helpless person”, as recommended by the Committee on the Rights of Persons with Disabilities. OHCHR provided guidance on removing discriminatory aspects of these provisions and the amended Criminal Code was adopted in December. Serbia’s new draft Strategy on the Rights of Persons with Disabilities was published for consultation at the beginning of October. OHCHR supported a baseline study on the imple-



Migrants at the border between Hungary and Serbia.  
© OHCHR/ Serbia

mentation of the previous Strategy, which highlighted gaps in the implementation of recommendations issued by the Committee on the Rights of Persons with Disabilities. OHCHR also worked closely with the University of Nis to support the re-establishment of an anti-discrimination legal clinic at the University. As a result of this work, 35 law students began to provide legal assistance on discrimination matters under the tutelage of six law professors.

#### Integrating human rights in development and in the economic sphere

- ▶ *The UNDAF and half of UN programmes and projects fully conform to the human rights-based approach and incorporate recommendations from human rights mechanisms (EA 11)*

In May, a provisional United Nations Development Assistance Framework (UNDAF) 2016-2020 document was signed by the interim Government. The provisional UNDAF includes a number of key human rights targets and prioritizes vulnerable groups, including Roma and persons with disabilities. Following the formation of the Government in August, discussions were held to finalize the full UNDAF.



Dancers perform at the event “Supporting cultures of diversity for human rights in Serbia” organized by OHCHR.  
© OHCHR/Serbia

## Bojan: Coming back from social death

Bojan is in his thirties. For the last several years, he has lived in a closed institution, in Tešica, in the very south of Serbia. Bojan was diagnosed with schizophrenia and based on that diagnosis, he was deprived of his legal capacity. Due to changes that were made to the Law on Non-Contentious Proceedings, in 2015, it was determined that every prior decision which had been taken to deprive a person of her/his legal capacity had to be reviewed. This also applied to Bojan. The legal consequences of being deprived of one's legal capacity in Serbia leads to a state which can be described as "a social death." In this situation, an individual is stripped of almost all of their fundamental human rights, such as their civil, political, economic, social and cultural rights. Individuals without legal capacity cannot vote or run for public office, conclude a work contract, marry or divorce, accept or refuse medication, own or manage property or conclude any other basic legal or social act. The deprivation of an individual's legal capacity takes away their voice, choice and autonomy and reduces that person to being an object of law, rather than a subject of law and a rights-holder.

During these proceedings, the Basic Court and the court experts shared the view that, in accordance with Bojan's diagnosis, there was no need to change the decision, to hear or meet with him in order to undertake a new evaluation of his case or to restore his legal capacity. As a result, the deprivation of his legal capacity was declared to be valid for three more years.

Bojan remembered that he had met experts from an OHCHR partner organization called the Mental Disability Rights Initiative (MDRI-S), which works on the rights of persons with mental disabilities in Serbia. The experts had undertaken a visit to the institution where he was living in the context of their role as a National Preventive Mechanism against torture. In recent years, OHCHR worked jointly with MDRI-S in a strategic partnership of concerted efforts that aimed at advancing Serbia's compliance with the Convention on the Rights of Persons with Disabilities (CRPD). Some of these activities included the education of judges, practitioners and decision-makers on compliance with the CRPD principles and provisions, initiating actions that focused on supporting community-based services that facilitated the participation of persons with disabilities in decision-making as well as other important activities in the field of disability rights and CRPD implementation. Bojan contacted MDRI-S and they immediately agreed to take his case. Their lawyer submitted a complaint to the Higher Court in the City of Pozarevac on the basis that the Court had breached procedural and material standards in deciding on someone's

legal capacity, which in Serbia, results in the stripping of an individual's fundamental human rights and freedoms.

The complaint was successful. Not only did the complaint lead to the overturning of the lower court's decision, a new proceeding was held in the Basic Court and provisions from the CRPD were expressly cited for the first time in Serbian jurisprudence. The Higher Court's decision called for a new evaluation, the selection of new experts and full compliance with the provisions of the CRPD, especially article 12.

The judge that overruled the original decision to deprive Bojan of his legal capacity, voice and basic human rights had undergone intense trainings on the universality of legal capacity that had been provided by OHCHR and MDRI-S over the past several years. The activity of educating judges and other practitioners about legal capacity cases in line with article 12 of CRPD has been attended by over 70 judges and 20 lawyers throughout Serbia. As a result of these and other efforts, Guidelines for Judges in Legal Capacity Cases have been recently published, and individuals like Bojan have new hope for the future. Bojan is hoping to have his legal capacity finally restored, leave the institution and open a small candle shop.

In addition to supporting efforts on implementing article 12 of CRPD in the work of the Serbian judiciary, OHCHR has been extensively involved in the development of the draft National Strategy on the Rights of Persons with Disabilities 2016-2020 and its Action Plan. The Office has provided support to State bodies, UN agencies and CSOs working in the field of the rights of persons with disabilities and the implementation of and compliance with CRPD. It has also supported other initiatives aimed at bringing the CRPD standards to life in the local community.

These efforts will continue in 2017 with the drafting of specific road maps for the implementation of the CRPD Committee's recommendations in relation to Serbia (2016), including through support for the implementation of the new National Strategy, the training of judges on direct implementation of international human rights norms, the establishment and strengthening of partnerships with relevant CSOs focusing on the implementation and mainstreaming of the CRPD provisions, as well as dedicating specific attention to cross-cutting issues of multiple discrimination against persons with disabilities belonging to national and sexual minority groups. The implementation of article 12 on the right to legal capacity will remain one of OHCHR's priorities, especially with regard to legal reform and the adoption of new laws and policies.

## South Caucasus (based in Tbilisi, covering Armenia, Azerbaijan and Georgia)

Year established	2007
Staff as of 31 December 2016	5

### Results

#### Strengthening international human rights mechanisms

- ▶ *Fully functioning participatory standing national coordinating bodies are in place for reporting/replying to individual communications and enquiries; and integrated follow-up to recommendations of all integrated human rights mechanisms in Armenia, Azerbaijan and Georgia (EA 6)*

Following various advocacy and capacity-building activities that were facilitated by the Human Rights Adviser (HRA), Georgia's Parliament introduced amendments in its internal charter to strengthen its role in the oversight of the implementation by Georgia of United Nations and Council of Europe human rights conventions and Universal Periodic Review (UPR) recommendations. According to the amendments, the Parliament will periodically consider the status of implementation of Georgia's international human rights obligations and the National Human Rights Action Plan (NHRAP). The HRA has further translated into Georgian the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment following his 2015 visit to the country, the draft report of the Working Group on the UPR and the guidance document on the implementation of and follow up to the UN Human Rights Committee's Concluding Observations. The documents will be used by governmental institutions that are engaged in the implementation of the NHRAP. In Azerbaijan, OHCHR provided support to the UN Working Group on arbitrary detention during its official visit. The Office also supported the official visit of the Special Rapporteur on the situation of human rights defenders, who met with authorities, judges, human rights defenders and diplomats while in the country.

- ▶ *International human rights standards and recommendations of international human rights mechanisms are partially integrated into UN common country programmes in Armenia, Azerbaijan and Georgia (EA 11)*

In the process of the preparation of the United Nations Assistance Partnership Framework (UNAPF) for Azerbaijan, OHCHR encouraged the United Nations Country Team to include the recommendations issued by international human rights mechanisms in



Law students participate at the Summer School organized by OHCHR and the Ministry of Justice Training Centre in Kvareli, Eastern Georgia. © Training Centre/Ministry of Justice of Georgia

relation to Azerbaijan and proposed formulations for their inclusion. The UNAPF, signed in July, included some of these recommendations. In Georgia, the recommendations of the mechanisms have been substantially integrated into the UN Partnership for Sustainable Development. Furthermore, a joint UN programme is being implemented by four agencies (UNDP, UNICEF, OHCHR, ILO) to support the implementation of the National Human Rights Action Plan.

#### Combating impunity and strengthening accountability and the rule of law

- ▶ *Institutions in the justice sector show significant improvement in their compliance with international human rights standards (EA 1)*

Following a workshop organized by OHCHR in Georgia, in May, for Members of the Parliamentary Committee on Human Rights and Civil Integration, consensus was achieved on draft amendments to several pieces of legislation in order to bring them in line with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and other international instruments. Furthermore, in June, OHCHR assisted the Working Group of the Parliamentary Committee to present a report outlining recommendations to prevent torture and inhuman treatment and provided comments to ensure that the recommendations were in line with international standards. The recommended amendments were adopted by the Parliament at the end of the year.

#### Widening the democratic space

- ▶ *Training programmes on human rights institutionalized in Armenia, Azerbaijan and Georgia (EA 1)*

Training on international human rights standards is now institutionalized in the High School of Justice of Georgia, the Georgian Bar Association, and at

## Building the capacity of the Georgian Bar Association

When a number of Georgian defence lawyers established an independent Georgian Bar Association (GBA) in 2005, the future of the organization looked far from promising. Georgia had no traditions or experiences related to an independent Bar, the Government was ambivalent, foreign donors were concentrating on providing assistance to judges and prosecutors and nearly everyone was overlooking the important role of defence lawyers in ensuring the right to a fair trial.

OHCHR was one of the first international actors to become engaged in building the capacity of the GBA by offering training sessions on international human rights standards and developing a system of continuing education for the defence lawyers.

The GBA faced many challenges in the first five years of its existence. The Government's penal policy became more stringent and judges frequently neglected the equality of arms principle and ruled in favour of the prosecution. Acquittals became increasingly rare. The outspoken advocacy undertaken by the leadership of the GBA led to rumours that the Government was planning to create an alternative Bar. Defence lawyers were often sued by dissatisfied clients and were subsequently sen-

tenced to prison terms. During its 2011 visit to Georgia, the UN Working Group on Arbitrary Detention reported that "an estimated 111 lawyers were in the prison system and had been convicted of a number of offences, mostly economic-related." OHCHR continued to work on building the capacity of the GBA and believed that its involvement provided modest protection for the independence of lawyers.

After the 2012 elections, the change of government led to a reversal of fortune for the GBA. Pressure on the Association subsided and it was able to further develop its capacity in a systematic manner. Taking into consideration the high demand for trainings and the positive feedback received from participants, the GBA certified OHCHR's trainings as one of the continuing education courses required for all practicing lawyers. In 2016, the GBA received a grant from the President's reserve fund for the refurbishment of its training which will make it easier to conduct training activities. Over the year, OHCHR conducted 16 training workshops that were attended by 414 defence lawyers. The trainings took place in the capital city and in various regions in Georgia. This cooperation will continue in 2017 and will include a greater emphasis on the regions.

the National Human Rights Institute of the Free University. The HRA has begun working with the Police Academy of Georgia, with the aim of institutionalizing human rights training, and has supported the development by the board of the High School of Justice and the Georgian Bar Association of curricula on freedom of expression, prevention of torture and combating all forms of discrimination, including on the basis of gender. Curricula are also being developed for these two institutions in the areas of the right to a private life and the right to freedom of peaceful assembly. The Free University has conducted regular winter and summer schools on human rights as well as a week-long training on the UN human rights system, with the support of the HRA. Following the example of the Free University, other universities co-organized a Human Rights Week in December, which featured lectures by and discussions with prominent human rights lawyers and civil society leaders.

## The former Yugoslav Republic of Macedonia

Year established	2007
Staff as of 31 December 2016	1

### Results

#### Strengthening international human rights mechanisms

- ▶ *Government coordination body for integrated reporting and/or implementation of outstanding recommendations is functioning in line with effective, transparent and participatory operating modalities (EA 6)*

The Expert Working Group of the national mechanism for reporting and follow-up developed a matrix, which clustered all of the recommendations issued by the international human rights mechanisms, and began drafting an integrated implementation plan. To facilitate the State reporting efforts, the Working Group designed a tool to collect the inputs of stakeholders which was used for the preparation of the State's periodic report to the Committee on the Elimination of Discrimination against Women, due in March 2017. Since 2015, the Human Rights Adviser (HRA) has contributed to increasing the coordinating capacity of the Working Group through workshops.

### **Combating impunity and strengthening accountability and the rule of law**

- ▶ *Legislation, policies and practices increasingly comply with anti-discrimination and equality standards (EA 4)*

Following years of advocacy and capacity-building efforts undertaken by OHCHR and a number of international, regional and national civil society actors, the Government adopted a new strategy on addressing discrimination (2016-2020), in January, that prioritized the alignment of the 2010 Anti-Discrimination Law and other relevant national legislation with international standards. The Ministry of Labor and Social Policy led the drafting of a revised law and established a drafting group with the participation of the Government, civil society, academia and the UN. The text was completed in early November but could not be finalized before the end of the year due to the election period. The HRA contributed technical advice and inputs on relevant international standards.

### **Integrating human rights in development and in the economic sphere**

- ▶ *The new UNDAF and respective UN programmes incorporate and support the implementation of recommendations of the international human rights mechanisms (EA 11)*

The final text of the United Nations Development Assistance Framework (UNDAF) 2016-2020, signed by the Government in October, addresses the main human rights concerns raised by the international human rights mechanisms. The strategies in all five UNDAF results areas focus on the improved provision of disaggregated data, the participation of rights-holders in the design and implementation of decisions affecting their lives, reducing inequalities, improving accountability and other interventions as recommended by the mechanisms. To ensure that human rights are mainstreamed across the UNDAF, the United Nations Country Team (UNCT) appointed the HRA as a member of the five results groups that are supporting the implementation of the UNDAF. The UNCT also decided to maintain its Human Rights and Gender Thematic Group.

The HRA further contributed to this result by preparing analytical summaries of the observations and recommendations issued by the mechanisms that are relevant under each of the five UNDAF results areas. The analytical summary of the recommendations relating to gender equality enabled the UNDAF Results Group on Gender Equality conceptualize four possible UN joint projects that are focused on the follow-up to the recommendations.