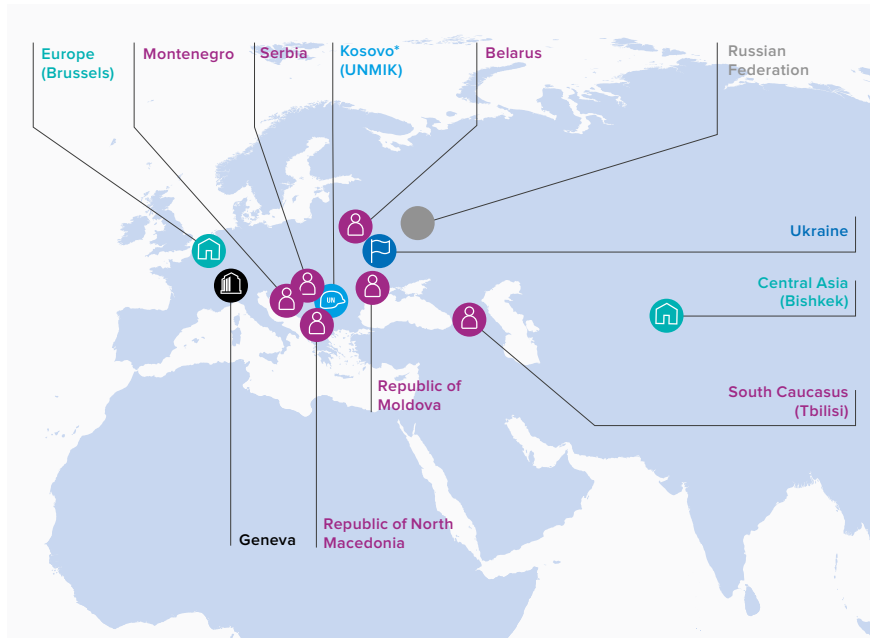


# UN HUMAN RIGHTS IN EUROPE AND CENTRAL ASIA



## LEGEND:

### Spotlights:

- Disabilities
- Youth
- Women

### Shifts:

- Global constituency
- Prevention
- Civic space
- Climate change
- Corruption
- Inequalities
- New technologies
- People on the move

### SDGs:



TYPE OF PRESENCE	LOCATION
Headquarters	Geneva
Country/Stand-alone Offices/ Human Rights Missions	Ukraine (HRMMU)
Regional Offices/Centres	Central Asia (Bishkek, Kyrgyz Republic) Europe (Brussels, Belgium)
Human rights components of UN Peace/Political Missions	Kosovo* (UNMIK)
Human Rights Advisers deployed under the framework of the UNSDG	Belarus, Montenegro, Republic of North Macedonia, Republic of Moldova, Serbia, South Caucasus (based in Tbilisi, covering Armenia, Azerbaijan and Georgia)
Other types of field presences	Russian Federation

\* Hereinafter, 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 2019, the work of OHCHR in Europe and Central Asia comprised 54 countries and nine disputed territories. OHCHR expanded its presence in the region by deploying two new human rights advisers to UN Country Teams (UNCTs) in Montenegro and Moldova. The Office strengthened its engagement with regional organizations and national authorities through its Regional Offices for Europe and for Central Asia; Human Rights Advisers (HRAs) in North Macedonia, Serbia and the South Caucasus; the project team in the Russian Federation; the Human Rights Office in the UN Mission in Kosovo\*; and the UN Human Rights Monitoring Mission in Ukraine (HRMMU). OHCHR maintained a non-resident agency status in Turkey, contributing to the Common Country Analysis, the forthcoming United Nations Sustainable Development Cooperation Framework (UNSDCF) process and a joint OHCHR-United Nations Development Coordination Office (UNDCO) strategy to address human rights issues across the UN system in support of the 2030 Agenda for Sustainable Development.

During the reporting period, the Europe and Central Asia region faced multifaceted challenges to human rights. These included actions to restrict civic space, including criticism of State policies and the activities of human rights defenders (HRDs); attempts to limit or discourage the holding of peaceful assemblies; challenges to the rule of law and the independence of the judiciary; persisting tensions stemming from unresolved frozen conflicts and disputed territories, including challenges related to the protection of human rights of populations living in territories controlled by de facto authorities.

Other reported challenges included discrimination and attacks affecting

vulnerable and marginalized groups, such as Roma, people of African descent, persons with disabilities, migrants and sexual minorities; the arbitrary deprivation of liberty and the use of torture and other cruel, inhuman or degrading treatment or punishment against persons in detention; and insufficient accountability for human rights violations committed by State agents creating a sense of impunity. The Office further noted the continued expression and exploitation of racism and xenophobia by some political leaders; limitations to the enjoyment of socio-economic rights, including non-discriminatory access to services; gender inequality and domestic violence; and important development disparities.

To address these challenges, OHCHR carried out monitoring and assessment missions to Italy (racism and incitement to racial hatred and discrimination) and Bosnia and Herzegovina, accompanying the Special Rapporteur on the human rights of migrants. The Office also promoted principles for human rights engagement with non-State armed groups and de facto authorities through mandated reports on the question of human rights in Cyprus, on cooperation with Georgia and through quarterly thematic reports to the Human Rights Council (HRC) on the human rights situation in Ukraine. Inputs were provided to the annual reports of the Secretary-General to the General Assembly on internally displaced persons in Georgia/Abkhazia/South Ossetia and to the report to the General Assembly on the human rights situation in Crimea.

OHCHR continued providing advisory services, technical cooperation and training for governments, regional organizations, national human rights institutions (NHRIs), equality bodies, civil society, human rights defenders,

UN peacekeeping operations and UN country or regional teams in their engagement with the international human rights mechanisms, including through a training for 16 UNCT members from Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. Furthermore, the Office advanced the application of a human rights-based approach (HRBA) to data by training stakeholders from Albania and Kosovo. In October, OHCHR and the UN Peacekeeping Force in Cyprus (UNFICYP) delivered a human rights training course for the police component of UNFICYP.

Through direct engagement and communication with Member States, remote monitoring and public advocacy, the Office identified early warning signs of potential human rights violations and impending crises and encouraged the development and implementation of recommendations to address such situations. In line with the Secretary-General's prevention agenda, OHCHR analysed situations carrying risks of human rights violations and ensured real-time reporting through regular updates and submissions to the United Nations Operations and Crisis Centre. The Office also actively supported the implementation of the Secretary-General's Western Balkans Action Plan, adopted in June, by expanding human rights presences in the region (Montenegro) and organizing a workshop for Western Balkans country presences in order to streamline efforts and prepare for a scoping mission on transitional justice in 2020.

OHCHR supported the roll out of 12 UNSDCFs in the region by providing support to the UNCTs to deliver on the 2030 Agenda. This included participation in the Istanbul Regional Workshop on the new UNSDCF and input into the Common Country Analyses of Azerbaijan, Belarus,

Bosnia and Herzegovina, Kazakhstan and Turkmenistan, among others

During the year, the Europe and Central Asia Section strengthened cooperation with regional organizations, notably through close cooperation with the European Union (EU) institutions and Council of Europe, participation in the Organization for Security and Cooperation in Europe (OSCE) Human Dimension Implementation Meeting and in meetings with other regional groups and organizations. This included a workshop on the role of NHRIs in peacebuilding in Europe; the Global Alliance for National Human Rights Institutions (GANHRI) accreditation procedure involving NHRIs from Finland, Hungary, Russia and Ukraine; the High Commissioner's meeting with the European Union Fundamental Rights Agency and a retreat on UN reforms in Central Asia, organized by the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) and Resident Coordinators in Bishkek.

Throughout 2019, OHCHR ensured that targeted support was provided to missions of the High Commissioner, including to Amsterdam/the Hague, Berlin, Dublin, Ljubljana, Luxembourg, Porto/Lisbon, St. Petersburg and Stockholm. Support was also provided to other high-level missions, including those of the Deputy High Commissioner to Belfast, Copenhagen, Scotland and the Hague.

## BELARUS

<b>Population size<sup>1</sup></b>	<b>Surface area<sup>1</sup></b>	<b>Human Development Index<sup>2</sup></b>	<b>NHRI (if applicable)<sup>3</sup></b>
9.45 million	208,000 km <sup>2</sup>	0.817 (rank: 50/188 in 2018)	NA
<b>Type of engagement</b>	Human Rights Adviser		
<b>Year established</b>	2018		
<b>Field office(s)</b>	Minsk		
<b>UN partnership framework</b>	United Nations Development Assistance Framework 2016-2020		
<b>Staff as of 31 December 2019</b>	1		

**XB requirements 2019** **US\$275,000**

**Key OMP pillars in 2019**



<sup>123</sup> Please refer to Data sources and notes on p.208.

### PILLAR RESULTS:

#### **Accountability (A)**

**A1 – Strengthened provision of legal aid to groups in vulnerable situations, including women victims of violence, Roma, persons with disabilities. Strengthened use of oversight mechanisms for places of detention and increased use of alternatives to detention.**

**16**

The Office contributed to improving the compliance of drug policy and legislation, oversight mechanisms for detention and the use of alternatives to detention with international human rights standards.

Throughout 2019, OHCHR continued advocating for bringing drug policy and legislation in line with international human rights standards. The Office prepared an advocacy strategy on the drug policy in Belarus, which the UN

Resident Coordinator (RC) and UNCT used systematically during the reporting period. The Resident Coordinator significantly increased advocacy in this area, including by sending two letters to the Parliament, meeting with civil society representatives and convening a joint UN briefing for the diplomatic community. Following advocacy that was undertaken by the UN and civil society on the inclusion of drug offenders in the Amnesty Law, those convicted under article 328 (1), (2) and (3) were included in the draft law that was eventually adopted. According to its provisions, minors convicted under article 328 (part 1-3) of the Criminal Code of Belarus were granted a reduction of their sentences.

In July, the Office organized a study visit on drug policy for Belarussian authorities. The objective of the visit to Lisbon,

Portugal was to introduce participants to progressive Portuguese practices in the field of anti-drug legislation, in particular relating to alternatives to detention and the use of a people-centred approach in medical services and rehabilitation. Sixteen participants representing a broad range of authorities involved in decision-making on drug-related issues visited the General-Directorate for Intervention on Addictive Behaviours and Dependencies, the Ministry of Justice and the Ministry of the Interior. They also observed the implementation of the Mobile Low Threshold Methadone Programme and other successful practices that are being applied in Portugal. Following the study tour, OHCHR organized a consultation for the participants in the study visit and other relevant stakeholders on the “Implementation of drug policy in Belarus based on the

experience of the Republic of Portugal: Basic approaches and practices” to discuss the potential for their implementation in Belarus.

In addition, the Office organized consultations on the elaboration of the effective functioning of social rehabilitation centres for ex-offenders, in Belarus, in October. The three-day consultation brought together representatives of the Ministry of Internal Affairs, the Ministry of Labour and Social Protection, local governments, NGOs, faith-based organizations and ex-offenders to develop a baseline assessment of the national system of re-socialization of ex-offenders. Based on the results, and in consultation with the Ministry of Internal Affairs, OHCHR developed a road map determining the mechanisms for effective programming, including the functioning of the social adaptation centres for ex-offenders.

Furthermore, OHCHR organized a round-table, in November, on “The use of alternatives to imprisonment: International and national mechanisms and best practices” to increase the knowledge of international standards by representatives of the Ministry of Internal Affairs, the Supreme Court, the General Prosecutor’s Office, UNICEF, the Confederation of European Probation, local NGOs and other stakeholders.

In December, the Office conducted a series of trainings for different target groups on the mechanisms of assistance that are available to offenders and ex-offenders in Belarus in order to strengthen the system of psychological assistance. The different target groups included staff from the Ministry of Internal Affairs with a background in psychology, psychologists of local departments of the Ministry of Labour and Social Protection and relevant NGOs and

faith-based organizations. In conjunction with the trainings, OHCHR facilitated an exchange of experiences between government authorities and NGOs. The findings formed the basis of a final report that was presented to the Ministry of Labour and Social Protection. The report contains training modules that will be used by the Ministry for further training.



## Mechanisms (M)

**M1 – A National Mechanism for Reporting and Follow-up (NMRF) is existing and working to a substantial extent.**

16 | 17

The Office supported the Ministry of Foreign Affairs in establishing a temporary mechanism, pending the establishment of a fully-fledged NMRF and contributed to the increased capacity of State officials to report to the Human Rights Committee.

Throughout 2019, the Office engaged in discussions with the Ministry of Foreign Affairs regarding the establishment of an NMRF. While little progress was made towards its establishment, the Office assisted the Ministry in setting up an informal group of focal points on human rights that will support the reporting and follow-up process, consult with civil society and assist with other reporting and follow-up tasks.

The Office facilitated a number of technical meetings on engaging with and reporting to the Human Rights Committee. In May, a member of the Human Rights Committee met with government and civil society representatives to discuss follow-up to the concluding observations that were issued by the Committee in November 2018. In July 2019, a technical-level online meeting was held between

government legal experts and two members of the Human Rights Committee to discuss cooperation challenges. Finally, OHCHR experts delivered a tailored training to State officials, in December, regarding improved reporting to the Human Rights Committee.



## Participation (P)

**P6 – UN and Government consistently consult with human rights and gender equality civil society when planning, implementing and evaluating programming.**



The Office facilitated the participation of stakeholders representing various rights-holders in dialogue with government and UN partners on key human rights issues, including LGBTI rights, migrants’ rights, rights of persons with disabilities and the prevention of torture.

Throughout the reporting period, the Office facilitated dialogue on key human rights issues in Belarus between stakeholders representing different groups of rights-holders, government and UN partners. In January, OHCHR convened meetings between LGBTI groups and UNICEF, between migrants’ rights organizations, IOM and UNHCR and between medical rights NGOs and WHO. OHCHR organized consultations with human rights civil society organizations on the Government’s Concept of the National Sustainable Development Strategy, and a meeting of human rights CSOs with the UN Resident Coordinator. In April, a round-table was organized for government and civil society participants in relation to a draft law on the rights of persons with disabilities. Furthermore, the Office and civil society partners co-organized a round-table discussion

on torture prevention and National Preventive Mechanisms (NPMs) that was held on 26 June, International Day in Support of Victims of Torture. In addition, OHCHR supported a training on non-discrimination for police officers and law enforcement officials in mass sporting events, held in May. The training was specifically tailored to the second European Games hosted by Belarus, in June. It covered practical aspects of a human-rights based approach to law enforcement during mass sporting events.

## CENTRAL ASIA (BISHKEK, KYRGYZSTAN)

<b>Type of engagement</b>	Regional Office
<b>Countries of engagement</b>	Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan
<b>Year established</b>	2008
<b>Field office(s)</b>	Bishkek, with field offices in Nur-Sultan, Almaty (Kazakhstan); Osh (Kyrgyzstan); Dushanbe (Tajikistan) and the United Nations Regional Centre for Preventive Diplomacy in Central Asia in Ashgabat (Turkmenistan)
<b>Staff as of 31 December 2019</b>	12

<b>Total income</b>	<b>US\$475,181</b>	
<b>XB requirements 2019</b>	<b>US\$2,005,000</b>	
<b>Total XB expenditure</b>	<b>US\$666,741</b>	
Personnel	Non-personnel	PSC*
<b>38%</b>	<b>51%</b>	<b>10%</b>
\$255,512	\$342,128	\$69,100
<b>Total RB expenditure</b>	<b>US\$722,383</b>	
Personnel	Non-personnel	
<b>87%</b>	<b>13%</b>	
\$629,473	\$92,911	

### Key OMP pillars in 2019



\* Please refer to Data sources and notes on p.208.

## PILLAR RESULTS:

### Accountability (A)

A1 – Institutions that train judges, law enforcement officials, the staff of security-related agencies, or lawyers, and other educational institutions, include human rights in their training as a matter of course.

**16** 

The Office contributed to institutionalizing human rights training for law enforcement officials and State

authorities involved in criminal justice processes. Lawyers received training on the right to peaceful assembly, criminal justice and non-discrimination.

In **Kyrgyzstan**, as a result of capacity-building initiatives and training of trainers by the Office, 29 staff (16 women and 13 men) of six State training centres increased their capacity. Trained participants from three of those centres initiated training on human rights



norms and standards for their staff. With OHCHR support, 29 trained staff of the six training centres developed their own training manual for Kyrgyzstan in Russian and translation into Kyrgyz will be completed in 2020. Furthermore, 29 participants (16 women, 13 men), including judges, prosecutors, lawyers, police officers, representatives of the State Security Committee and the Penitentiary Service, completed a training programme on international human rights standards with a focus on ethnic minorities and vulnerable groups.

Following a commitment expressed by the State Training Centres, in 2018, to institutionalize a comprehensive training programme on non-discrimination in Kyrgyzstan, OHCHR secured a preliminary agreement, in 2019, to do so. The Academy of the Ministry of the Interior designated a separate room to be used as a resource centre for human rights and OHCHR supported the centre with promotional materials on human rights-related topics. Starting in 2020, the manual on human rights and non-discrimination developed by the 29 staff of six training centres will be used at the centre for teaching international human rights law to police inspectors and officers.

In **Tajikistan**, OHCHR's primary national partner, the Union of Lawyers, committed to integrating human rights into the training programme of the Lawyers' Training Centre. The Office supported the First Penitentiary Forum of Tajikistan, which was conducted in cooperation with the Main Directorate for the Execution of the Criminal Sentences of the Ministry of Justice, UNODC, Penal Reform International, the OSCE, the EU and other partners. The Forum issued recommendations for legislative and practical measures for a comprehensive reform of the penitentiary system of Tajikistan.

Participants called for establishing a NPM, promoting the application of an HRBA to reforming the prison system and applying alternatives to imprisonment.



## Development (D)

**D7 – When they implement the SDGs and other development plans, more Central Asian States and UN Country Teams adopt a human rights-based approach and the recommendations of human rights mechanisms.**



The Office contributed to the satisfactory integration of international human rights norms, standards and principles and recommendations issued by the international human rights mechanisms into the national frameworks for the Sustainable Development Goals (SDGs) in Central Asia.

In 2019, OHCHR continued contributing to the integration of human rights into national frameworks for the SDGs by supporting the establishment of appropriate structures and defining indicators at the national level in all five Central Asian countries for monitoring, evaluating and reporting on the SDGs.

Disaggregated and quality data remains a primary challenge in the region, due in large part to the lack of sufficient quality and inclusiveness of its collection, monitoring and evaluation, coupled with the insufficient knowledge and skills of professionals at the national level. To this end, the Office continued its efforts to strengthen the capacity of national stakeholders through the organization of training sessions for State officials, the NMRFs, national human rights institutions (NHRIs), CSOs and UN staff on the application of an HRBA in relation to the 2030 Agenda for Sustainable Development.

All capacity-building activities related to international human rights mechanisms included a session on human rights in the context of the 2030 Agenda with the aim of decreasing the burden of State reporting, improving data gathering, enhancing the implementation of recommendations issued by the international human rights machinery and achieving SDG targets. It also contributed to leveraging synergies between human rights reporting, improving the quality and human rights and gender sensitivity of national SDG indicators and their introduction into national policy documents on sustainable development.

In **Kyrgyzstan**, OHCHR organized three capacity-building sessions, including for the NMRF on human rights in the 2030 Agenda, “Leaving No One Behind” within the framework of trainings on reporting to CESC, CRC and the Universal Periodic Review (UPR) and for a coalition of CSOs on CEDAW. In **Turkmenistan**, the Office supported the elaboration of a road map on the implementation of recommendations issued by CEDAW, CESC and the UPR. In addition to the activity-specific indicators, the road map contains appropriate SDG indicators, which will enhance the mutual reinforcement of human rights and SDG reporting, thereby setting an example of a good practice for other Central Asian States. In **Uzbekistan**, the Office through the UNCT, advised State authorities on developing national SDG indicators and advocating for the development of supplementary human rights indicators to strengthen the implementation of the SDGs that are aligned with international human rights law. OHCHR delivered a separate training for members of the expert group of the national SDG coordination body, representatives of legislative, judicial and executive branches, NHRIs and NMRFs on an HRBA to SDGs, focusing on indicators and data disaggregation.

The training session helped to enhance expertise at the national level and encouraged discussions about improving national SDG indicators from the human rights perspective.

During the reporting period, the Office provided necessary expert support for the implementation of the current United Nations Development Assistance Frameworks (UNDAFs) and the development of the new United Nations Sustainable Development Cooperation Frameworks (UNSDCFs) in Uzbekistan and Turkmenistan that will start in 2021, to ensure that an HRBA is applied to programming in all five countries. This support included the organization of information sessions on the application of an HRBA to data, the participation of the Office in all main working groups and retreats at the national level, the provision of inputs and expert support regarding the elaboration of Common Country Analyses (CCAs) and the organization of consultation processes with civil society. It also provided expert and technical support to UNCTs on how to achieve the SDGs at the national level, including through comments on national development policy documents, suggested legislative amendments and contributions to or the organization of awareness-raising and capacity-building events. In Kyrgyzstan, OHCHR contributed to the UNCT Roadmap on SDGs and the UNCT Action Plans on the Voluntary National Review and the SDGs for the National Statistical Office.

The Office continued to support all five UNCTs in the region with technical guidance on outcomes of their past cooperation with the international human rights mechanisms and potential future opportunities, including possible avenues for advocacy on the implementation of their recommendations at the national level. The Office facilitated

the engagement of the UNCTs with the international human rights mechanisms inter alia, by providing assistance with the preparation of joint UN submissions to a number of mechanisms, namely, the UPR in Kazakhstan and Kyrgyzstan. The Office also supported the organization of UNCT briefings or delivered its own briefings with relevant committees prior to the adoption of their respective lists of issues and constructive dialogues.

In light of the administrative challenges faced in accessing UMOJA in the field, it was not possible to carry out the planned training of trainers for UNCT members or the Resident Coordinators at the subregional level in 2019. Instead, the Office incorporated HRBA sessions into a training for UNCTs on cooperation with the international human rights mechanisms that was held in Uzbekistan, in May, at a Central Asian retreat for Resident Coordinators, in June, and at a stand-alone training for UNCT members and national partners that was held in Kazakhstan, in October. Similar training sessions will take place in 2020 to cover all countries in the region.

As part of a cooperative effort between OHCHR and the UNDP Istanbul Regional Hub on an HRBA to Data, OHCHR delivered a session on human rights indicators and the Universal Human Rights Index for 14 women and seven men representing the SDG Coordination Group and civil society organizations from Armenia.

## Mechanisms (M)

**M1 – National mechanisms for reporting and follow-up (NMRFs) successfully fulfil their mandates; they engage with international human rights mechanisms, and coordinate reporting and follow up, and to that end consult with relevant national actors and share information with them and with the public.**



The Office contributed to strengthening national mechanisms for integrated reporting and/or the implementation of recommendations issued by the human rights treaty bodies, special procedures, the HRC and the UPR.

During the reporting period, the Office continued providing assistance aimed at strengthening the mandate and capacities of NMRFs, as well as their cooperation with civil society in the region. This included sharing expertise on the ratification of outstanding treaties, strengthening legal frameworks on NMRFs and capacity-building for NMRF staff, ministerial focal points, NHRIs and civil society members on how to improve government engagement with the international human rights mechanisms and improve the efficacy of follow-up to recommendations. Expert support was also provided in relation to the elaboration of implementation plans and advocacy for the National Recommendations Tracking Database in all five countries.

OHCHR advocated for the ratification of outstanding human rights treaties by Central Asian States, particularly CRPD and OP-CAT, both directly and through UNCTs and Resident Coordinators. As a result of OHCHR's sustained advocacy, **Kyrgyzstan** ratified CRPD, in May. To support the implementation of CRPD, OHCHR contributed to UNCT comments



on the CRPD National Action Plan with regard to immediate actions to be taken following the ratification. It also provided its comments to the draft Decree on the Council on the Rights of Persons with Disabilities and will continue providing further post-ratification support in 2020. The CRPD ratification process advanced in **Tajikistan** and **Uzbekistan**, where high-level discussions took place in October and December, respectively. Several events were carried out in Uzbekistan to promote the ratification of OP-CAT and develop preventive monitoring by the Office of the Ombudsperson in cooperation with civil society.

Following advocacy that was undertaken by the Office, a Decree on the Coordination Council on the Human Rights under the Government of Kyrgyzstan (CCHR) was amended in February, in order to enhance its work in relation to reporting. More specifically, to eliminate the problem of late reporting, OHCHR assisted the NMRF to develop a draft Decree on reporting and follow-up to the recommendations issued by the human rights treaty bodies and the UPR, which will be adopted in 2020. In Uzbekistan, after the President's Decree was adopted in December 2018, the Office provided advice on the implementation of the new provisions and shared relevant good practices from other States in the region and around the world. Following OHCHR's suggestion, the National Human Rights Centre (NHRC) visited Georgia, in December, to exchange examples of good practices on cooperation with the Parliament. OHCHR's advocacy led to the adoption of the Presidential Decree of 13 December 2019, which enhanced the capacity and role of the NHRC in monitoring, implementation of human rights obligations and reporting to international human rights mechanisms.

In Tajikistan, the Office supported the Government in developing the draft National Human Rights Strategy 2030 by facilitating inclusive consultative meetings of members of the governmental Working Group (WG), CSOs and international organizations. A draft strategy covering 23 thematic areas was developed in accordance with an HRBA. The draft seeks to prioritize human rights and freedoms in public policy, which has the potential to influence the direction of legislative development and law enforcement practice. The WG and CSOs that are supported by OHCHR will start drafting a National Action Plan at the beginning of 2020 to implement the draft strategy. It is anticipated that once the documents are finalized, they will be adopted in 2020.

Capacity-building and expert support that was provided in relation to reporting to international human rights mechanisms in Central Asian countries included assistance with reports to CESCR, CRC, the Human Rights Committee and the UPR. In addition, expert support was provided for Kyrgyzstan's report to CMW, Tajikistan's follow-up report to CAT and in two training sessions on CEDAW reporting for HRDs and the NRMF Working Group from Uzbekistan. As a result of capacity-building and advocacy work undertaken by the Regional Office for Central Asia (ROCA), the rate of late reporting to the treaty bodies significantly decreased. By the end of 2019, Kyrgyzstan had finalized its only outstanding report to the treaty bodies (CCPR), which should be submitted at the beginning of 2020.

In Uzbekistan, ROCA contributed to building the capacity of a national working group tasked with drafting the sixth periodic report to CEDAW during a training workshop that was held in March. The workshop improved cooperation and coordination between relevant State

bodies, the NHRI and civil society on the implementation and systematic monitoring progress achieved with regards to CEDAW's concluding observations that were issued in 2015 and the related national action plan for 2017-2020. In December, a total of 31 NHRC staff members and human rights focal points in various State authorities (16 women, 15 men) were trained on the individual communications procedure during a two-day training session organized by the Office. OHCHR will continue its advocacy on establishing an effective follow-up to the Human Rights Committee's Views on individual communications. Currently, there is no institutionalized approach or relevant legal provisions to provide guidance on the implementation of the Human Rights Committee's Views.


**Participation (P)**

P1 – Civil society organizations, human rights defenders, and marginalized groups increasingly claim their rights and promote the rights of their constituencies, and can participate more freely in public life.


**16**

The Office contributed to the increased use of national protection systems in compliance with international human rights norms and standards by building the capacity of stakeholders on using strategic litigation, supporting training programmes for underrepresented minorities in State institutions and human rights defenders.

In **Kazakhstan**, OHCHR enhanced the awareness of and the capacity of stakeholders to use strategic litigation by providing technical assistance in relation to access to information, organizing training for lawyers and representatives of civil society organizations facilitated by two international experts, organizing a workshop for strategic litigation practitioners and producing a draft manual on strategic litigation. Development of the manual will be completed in 2020.

In **Kyrgyzstan**, participants of an OHCHR Strategic Litigation School have taken up 14 strategic cases as of the end of 2019. Five of these cases relate to discrimination in various spheres and seven relate to other human rights issues. One participant won a case at the Constitutional Court in relation to recent legal reforms, which had been initially discussed during the school sessions with a programme mentor. As a result of this case, the Constitutional Chamber declared the norm of the new Code of Violations to be unconstitutional, according to which the decision of the court of first instance

is final and not subject to appeal. Another case relating to the murder of a prosecutor was handled by a judge who was undergoing pretrial investigation. Although he was not legally competent to hear criminal cases at the time, he reviewed the case and handed down a sentence. Overall, 32 participants (17 women, 15 men), including lawyers and civil society activists, benefited from interactions with international experts on various topics and long-term support from two national experts. All international trainers agreed to remain available as a “pool of experts,” enabling participants to contact them with follow-up questions and obtain feedback on litigation strategies regarding public interest cases.

In 2019, as part of an ongoing OHCHR-supported programme to address the underrepresentation of certain rights-holders in public administration in Kyrgyzstan, 82 interns (55 women, 35 men, seven persons with disabilities) completed four-month internship programmes in State and local administration departments in three southern regions of the country. A total of 50 per cent of the interns were from ethnic minorities and 50 per cent were women. Seven individuals identified as persons with disabilities. Within the context of the programme, OHCHR worked with the State Personnel Service of Kyrgyz Republic to increase awareness about the need for specific measures to address underrepresentation. As part of the internship programme, the interns participated in a four-day training on human rights, equality and non-discrimination. OHCHR also trained 54 programme mentors (24 women, 30 men) on the same topics. Representatives of State agencies and civil society discussed the right of minorities to participate in public life and the institutionalization of the

internship programme at a round-table, “Sustainable mechanisms for internships in the national and local government in the Kyrgyz Republic” on 21 November in Bishkek.

Kyrgyzstan continues to develop the Concept of National Identity “Kyrgyz Jarany”. In December, the draft Concept was amended and made more compliant with human rights as a result of technical expertise on human rights issues, in particular the principles of non-discrimination and protecting minority rights, that OHCHR provided to the State Agency for Local Self-Governance and Interethnic Relations. Furthermore, the Office facilitated the coordination of comments from UN partners on the structure of the abovementioned Concept of National Identity, which included basic guarantees of minority rights, access to justice and equal participation in public life. OHCHR will continue to offer support and guidance in 2020.

In 2019, an OHCHR course on multicultural education was made an elective item in three universities in Kyrgyzstan. Capacity-building was provided in other locations and was available in six higher educational institutions as of the end of 2019. OHCHR adapted its training manual for two professions, namely: law-related (such as lawyers and police officers) and public administration. The course has been institutionalized at the Osh State University through mentorship hours, which involve professional personal development activities aimed at broadening the outlooks of students, and through selective courses.

OHCHR raised awareness about the existence of discrimination in the labour sphere and existing gaps in legislation and law enforcement practices. The NGO Adilet, with the financial and expert support of OHCHR, completed its analysis

of legislation and law enforcement practices in the field of labour in Kyrgyzstan. Results were shared with various government bodies, NGOs, trade unions, experts and journalists, at a round-table event organized by the NGO Adilet together with OHCHR. In Kyrgyzstan, at least 866 individuals received legal advice and 107 legal cases were brought before the courts as a result of assistance provided by OHCHR to CSOs and legal clinics at third-level institutions. This support enabled them to provide free, qualified legal assistance, with a focus on cases of non-discrimination and violent extremism. Four legal analyses, which assess the compliance of national legislation with international human rights standards, have been produced as a result of the initiatives.

In **Tajikistan**, six human rights defenders received expert advice from OHCHR regarding the possibility of submitting their cases to the international human rights mechanisms. The cases related to the use of torture, unfair trial, arbitrary detention and kidnapping.

In **Uzbekistan**, the Office continued supporting civil society organizations to participate in public life and claim the rights of their constituents. In 2019, the Office facilitated the participation of civil society representatives in expert consultations that were jointly organized with the International Commission of Jurists on CRPD and the rights of persons with disabilities regarding the right to adequate housing. The Office also ensured inclusion of independent human rights activists into public hearings on ratification of the CRPD organized jointly with OSCE. Moreover, the Office supported training for human rights defenders from Uzbekistan on UN human rights standards relating to the rights of women and the rights of the child, the rights of persons with disabilities, advocacy with

State authorities, freedom of association and assembly, human rights monitoring and reporting and engagement with the international human rights mechanisms. The trained participants received continuous online mentoring and information on human rights standards throughout the year. The Office promoted the participation of the trained human rights defenders in national consultations with civil society on the new UNSDCF for 2021-2025 and advocated for the constructive engagement of human rights defenders with various State authorities, including the Office of the Ombudsperson.

In July, OHCHR collaborated with the Open Society Foundations and the Soros Foundation in Kyrgyzstan to enhance networking among Central Asian NGOs working on the right to adequate housing. The Office supported the participation of five Uzbek civil society members who built their capacity in relation to applying an HRBA to adequate housing, relevant UN mechanisms to advance housing rights and with regard to advocacy and communication strategies at the national and international levels. A joint strategy for the regional network of NGOs was developed and will be further promoted by the Office during 2020.

## EUROPE

<b>Type of engagement</b>	Regional Office
<b>Countries of engagement</b>	European Union and Member States of the European Union
<b>Year established</b>	2009
<b>Field presence(s)</b>	Brussels
<b>UN partnership framework</b>	n/a
<b>Staff as of 31 December 2019</b>	8

<b>Total income</b>	<b>US\$958,300</b>		
<b>XB requirements 2019</b>	<b>US\$1,038,000</b>		
<b>Total XB expenditure</b>	<b>US\$863,642</b>		
	Personnel	Non-personnel	PSC*
	<b>39%</b>	<b>49%</b>	<b>12%</b>
	\$337,778	\$426,456	\$99,408
<b>Total RB expenditure</b>	<b>US\$940,011</b>		
	Personnel	Non-personnel	
	<b>82%</b>	<b>18%</b>	
	\$772,953	\$167,058	

### Key OMP pillars in 2019



\* Please refer to Data sources and notes on p.208.

## PILLAR RESULTS:

### Development (D)

D7 – EU institutions further integrate human rights and a human rights-based approach in EU external development programming. The EU and UN Brussels team further integrate a human rights approach in their work on the Sustainable Development Agenda.



The Office contributed to improving the compliance of the EU institutions with international human rights norms and standards.

During 2019, the Office continued to promote a rights-based approach into the

work of the EU institutions and the UN Brussels Team (UNBT).

In March, OHCHR co-organized a panel at the Regional Forum on Sustainable Development for the United Nations Economic Commission for Europe (UNECE) region entitled “Leave No One Behind: Driving policies through data and a human rights-based approach,” to present and illustrate the linkages between human rights and the 2030 Agenda for Sustainable Development.

To sensitize and engage the incoming European Parliament on the Sustainable Development Goals and its linkages with

human rights, the UNBT, composed of 25 UN entities, including the Regional Office for Europe in Brussels, invited candidates standing for the European Parliament elections, to sign a 10-point pledge to “Leave No One Behind”. By the end of 2019, 67 Members of the European Parliament (MEPs) had signed the pledge to personally defend human dignity, freedom, democracy, equality, the rule of law and respect for human rights. Many more joined the pledge as it remained open for signature throughout 2020.

At the request of the European Commission and the External Action Service of the European Union (EEAS), the Office continued to invest in human rights training of EU delegations and staff of the European Commission's Directorate-General for International Cooperation and Development (DEVCO). Following the 2018 launch of the manual "Making a difference: An introduction to human rights", it was reprinted in 2019 in English and French, and translated into and printed in Spanish. A total of 275 copies, in all three languages, were provided to DEVCO for distribution to development staff in EU delegations and to participants of the twenty-first EU-NGO Human Rights Forum, which was held in December.

In addition, 30 staff members from EU delegations, the UNECE and the EEAS increased their knowledge about trade and human rights through a training delivered by the Office. During 2019, the Office also collaborated with DEVCO, three briefings for EU staff and the general public: on the G5 Sahel's human rights compliance framework; OHCHR's work in Syria; and, jointly with UN Women, women human rights defenders.



## Non-discrimination (ND)

ND3 – EU legal and policy frameworks increasingly protect women and girls from violence in the digital space.



OHCHR contributed to increasing the level of compliance of EU legislation and policies in the area of violence against women in the digital space with international human rights norms and standards through advocacy and by providing expert legal advice.

The online harassment of HRDs, in particular women human rights defenders, was a key concern raised at the Office's conference on "Protecting Civic space in the European Union" in October, which included the participation of the UN Special Adviser on Hate Speech, the Vice-President of the European Parliament, the Finnish Presidency of the Council of the EU, representatives of the European Commission and human rights defenders from across the region. For the first time, social media companies Facebook and Twitter joined an open discussion about online harassment of human rights defenders in Europe. This enabled an exchange of views on finding a balance between protecting freedom of expression and combating hate speech and online bullying and the need for social media companies to develop a response in accordance with human rights standards.

The conference recommended that any new legislation in the EU relating to online civic space should strictly define what constitutes prohibited content in accordance with ICCPR and ICERD. It was also suggested that consideration be given to the adoption of EU legislation to combat violence and abuse against women online. As a result of its

participation in the conference, the EU's Fundamental Rights Agency expanded its survey on civic space as a follow-up to its 2018 report entitled "Challenges facing civil society organizations working on human rights in the EU", to include questions about online harassment of HRDs in general, and women in particular. In November, OHCHR's Regional Office for Europe was invited to highlight the human rights-based perspective at the Women's Network of European Socialist Parties event on "Breaking the silence on online violence against women," which focused on the consequences of women withdrawing from political life on account of online harassment. The then incoming European Commissioner for Equality attended the event and pledged to take action to tackle online violence against women.

In October, the Regional Office's first public event, jointly organized with the European Network of Equality Bodies on the post-#MeToo era, and the subsequent joint conference on the role of European equality bodies in combating sexual harassment at work, with the participation of the Special Rapporteur on violence against women, its causes and consequence, helped to take stock of progress, identify obstacles, and empower equality bodies to take up individual complaints.

Through an Infopoint open to the public, the Office worked with DEVCO and UN Women to raise awareness about the importance of protecting the rights of women HRDs globally and highlighted the work of OHCHR field presences to create more space for women human rights defenders through reporting, advocacy and the facilitation of dialogue between State institutions and civil society.


**Participation (P)**

**P5 – National, regional and international actors act promptly and more effectively to protect civic space, especially in Hungary and Poland.**



Critical human rights issues raised by OHCHR were taken up to a greater extent and in a timely manner by EU institutions.

The Office continued its sustained advocacy to respond to challenges to the rule of law and threats to civic space in the European Union. In 2019, the report of the Secretary-General on *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights* highlighted cases of intimidation and reprisals for cooperation with the United Nations in three EU countries (Hungary, Poland and Malta). The concerns about legal restrictions on freedom of association, excessive administrative requirements, reduction in funding, the criminalization of solidarity, and the judicial harassment and stigmatization of dissenting voices are not limited to these countries. Throughout the year, the Office consistently raised its concerns with its EU counterparts, as well as through public pronouncements in numerous forums. The Office also maintained regular contact with civil society and media organizations on the ground.

In the second half of 2019, OHCHR worked closely with the Finnish EU Presidency to place concerns about civic space and the erosion of democracy on the agenda of EU decision makers. As a result, the Finnish presidency proposed stronger language on protecting civic space in the EU Justice and Home Affairs Council Conclusions, which were adopted in October. In the Conclusions, the Council recalls the importance of

removing and refraining from any unnecessary, unlawful or arbitrary restrictions on civil society space and acknowledges that transparent, sufficient and easily accessible funding is crucial for civil society organizations.

In October, the OHCHR regional conference on “Protecting civic space in the EU” created a platform for dialogue on civic space between EU decision makers and civil society and proved to be a key step in the process. The conference brought together 32 human rights defenders from 11 countries of the region with the Vice-President of the European Parliament, the Finnish Presidency of the Council of the EU, various EU officials and social media companies. It brought to light common stories of intimidation, defamation, hate speech, smear campaigns and legal proceedings across Europe and called for increased protection. The conference helped CSOs to connect directly with EU policy and decision makers. The programme also enabled participants to share successful experiences with mobilizing popular support for human rights and using positive narratives, including through the effective use of social media, all of which are essential for the promotion of civic space.

Furthermore, the Office successfully worked towards strengthening the engagement of rights-holders, civil society, national human rights organizations and equality bodies with the international human rights mechanisms. In 2019, civil society organizations, NHRIs and equality bodies in Europe increasingly reached out to special procedures, which led to 64 communications sent to EU member states, compared to 57 in 2018 and 32 in 2017. This increase reflects both a greater awareness and understanding of the UN human rights mechanisms, as well as growing human rights concerns within the EU region.



## REPUBLIC OF MOLDOVA

Population size <sup>1</sup>	Surface area <sup>1</sup>	Human Development Index <sup>2</sup>	NHRI (if applicable) <sup>3</sup>
4.04 million	34,000 km <sup>2</sup>	0.711 (rank: 106/188 in 2018)	Status A, 2018
<b>Type of engagement</b>		Human Rights Adviser	
<b>Year established</b>		2008	
<b>Field office(s)</b>		Chisinau	
<b>UN partnership framework</b>		United Nations Partnership Framework 2018-2022	
<b>Staff as of 31 December 2019</b>		3	

**XB requirements 2019**

**US\$1,208,000**

**Key OMP pillars in 2019**



<sup>1,2,3</sup> Please refer to Data sources and notes on p.208.

### PILLAR RESULTS:

#### Participation (P)

**P6 – Vulnerable rights-holders, notably individuals with disabilities, participate more frequently and more fully in forming public policy and drafting laws, including by taking public office.**



OHCHR advanced meaningful participation of vulnerable rights-holders, especially women and discriminated groups, in selected public processes.

In 2019, OHCHR mobilized approximately 70 civil society organizations to join a national platform established by OHCHR in 2019 for monitoring international human rights recommendations. The online monitoring platform contains all of the recommendations that the Republic of Moldova has received from the international human rights mechanisms. The platform will be used

to assess the implementation of the recommendations by civil society, the NHRI and State actors, in order to generate an implementation rate index. During the reporting period, the Office facilitated the first assessment round, which resulted in the review of 50 per cent of all recommendations during 17 meetings of the 15 thematic monitoring groups of civil society organizations.

The Office also created a network for a group of 15 mothers of children from across the country with various types of disabilities, empowering them to advocate both for the rights of their children and for their own rights as caregivers. The mothers supported by OHCHR benefited from psychological counselling sessions with a professional psychologist to help them process any difficulties of having a child with disabilities and to

feel empowered about conducting advocacy actions. Several capacity-building events that were conducted by OHCHR enhanced their capacity to advocate for the rights of children with disabilities. The group of mothers became a genuine platform for promoting human rights by engaging in dialogue with State authorities, making television appearances and drafting advocacy documents to raise key issues faced by children with disabilities and their family members. In particular, the members of the platform highlighted some of their challenges in exercising the right to health at an event that included participants from the Ministry of Health, Labour and Social Protection and 11 mass media outlets.

#### Accountability (A)

**A1 – Law enforcement institutions have substantially improved systems and procedures that protect the human rights of women, persons with disabilities, victims of torture and ill-treatment, and Roma and other minorities.**

#### **16**

OHCHR contributed to improving systems and procedures to protect the human rights of Roma and victims of torture by raising awareness, providing expert legal advice and enabling the functioning of international human rights mechanisms.

Based on research that was conducted by OHCHR in 2018 on the protection of the rights of victims of sexual violence, 56 lawyers increased their knowledge of legal strategies for working with victims of sexual violence. At the request of the National Institute of Justice, OHCHR delivered tailored information sessions on international standards on the rights of persons with disabilities, equality

and non-discrimination for at least 50 judges, prosecutors and judicial and prosecutor's assistants.

In 2019, a manual for Roma community mediators was co-produced by the Office and the National Association of Roma community mediators and drew on information gathered during multiple consultations with the two stakeholders of the Roma mediator system, namely, Roma community mediators and State authorities. In total, 31 Roma community mediators and State representatives (26 women, five men) were subsequently trained on the basis of the manual in 2019. As a result of this work, the network of Roma mediators strengthened their knowledge and skills in providing assistance to Roma and their association is now fully functional.

OHCHR partnered with social care staff from four temporary placement centres for adults with (primarily intellectual) disabilities to advocate for the prevention of torture and ill-treatment. In this context, over the past year, OHCHR conducted a training needs assessment of the 400 staff members from the four residential institutions. Based on the results, 64 employees (49 women, nine men) from the four institutions and the National Social Work Agency enhanced their knowledge on preventing and combating torture and ill-treatment. Furthermore, the Office initiated engagement with the law enforcement agency, the Moldovan General Inspectorate of Carabinieri, given their role in policing and in light of an absence of structured training on the use of force and the prevention of torture and ill-treatment. As of the end of 2019, two initial trainings, an analysis of the reporting mechanisms of torture cases and proposed improvements to those mechanisms had been drafted with support from the Office.



## Mechanisms (M)

**M1 – A national mechanism implements and reports on outstanding international human rights commitments in an integrated and participatory manner.**



OHCHR continued supporting the two key national human rights mechanisms established in 2018 by facilitating learning and knowledge transfer in relation to engagement with human rights monitoring mechanisms.

Following the 2018 approval of the National Human Rights Action Plan (NHRAP) and the establishment of the Permanent Human Rights Secretariat as the mechanism for the coordination and monitoring of the implementation of the Plan, the Office continued building the capacity of the Secretariat, staff of the Ministry of Justice and local authorities throughout 2019. To this end, numerous capacity-building initiatives were conducted by OHCHR during the reporting period, including trainings, support for developing a mid-term evaluation of the NHRAP and a study visit to Georgia, during which the participants learned about good practices in establishing a fully-fledged NMRF.

In addition to the above, OHCHR continued to work towards promoting a more inclusive and non-discriminatory national media narrative under the Non-discrimination pillar.

## REPUBLIC OF NORTH MACEDONIA

<b>Population size<sup>1</sup></b>	<b>Surface area<sup>1</sup></b>	<b>Human Development Index<sup>2</sup></b>	<b>NHRI (if applicable)<sup>3</sup></b>
2.08 million	26,000 km <sup>2</sup>	0.759 (rank: 81/188 in 2018)	Status B, 2011
<b>Type of engagement</b>	Human Rights Adviser		
<b>Year established</b>	2007		
<b>Field office(s)</b>	Skopje		
<b>UN partnership framework</b>	United Nations Development Assistance Framework 2016-2020		
<b>Staff as of 31 December 2019</b>	1		

### Key OMP pillars in 2019



<sup>1,2,3</sup> Please refer to Data sources and notes on p.208.

### PILLAR RESULTS:



#### Mechanisms (M)

**M2 – Civil society organizations engage systematically with the international human rights mechanisms.**



The Office significantly contributed to the substantial increase in the level of engagement of civil society organizations with the international human rights mechanisms through consistent capacity-building and advocacy efforts.

OHCHR continued working with civil society organizations to strengthen their capacity to systematically engage in the reporting process and follow up on the recommendations issued by the international human rights mechanisms in an increasingly coordinated manner. In 2019, a record number of joint and individual reports were submitted in anticipation of North Macedonia's third UPR cycle. As a result, civil society organizations nominated a representative to attend and address the Working Group on the UPR, in January, and the Human Rights

Council, on 4 July, for the adoption of the Working Group's final outcome report.

The Office brought together civil society representatives for constructive quarterly meetings to discuss their experiences, outcomes and follow-up strategies related to the third UPR cycle. Participating organizations agreed to establish an informal follow-up coalition in order to collectively consider all recommendations issued by the international human rights mechanisms. The coalition presented its preliminary work at a workshop organized by the NMRF, with support from OHCHR, in May. The coalition has organized itself according to the clusters of recommendations that already frame the work of the NMRF. Two civil society organizations allocated their funding to the coordination of the coalition's activities and to support the preparation of joint, integrated inputs for the NMRF consultations on the draft Recommendations Implementation Plan, which were held at the end of December.

These results were largely due to OHCHR's capacity-building efforts over many years.

**M1 – The NMRF regularly gathers and disseminates information for purposes of reporting and implementation, and uses information management tools effectively. Its procedures ensure that it consults meaningfully with stakeholders, including civil society and people who are “left behind.”**

## 16 | 17

OHCHR contributed to the extent to which mechanisms are functioning for integrated reporting and/or the implementation of outstanding recommendations issued by the human rights treaty bodies, special procedures, the Human Rights Council and the UPR.

As part of a joint project with the Ministry of Foreign Affairs and the UN Resident Coordinator's Office (RCO), OHCHR supported the NMRF's Expert Working Group (EWG) involved in reporting and implementation tracking. This project received financial support from the 2018-2019 UPR Voluntary Fund for Financial and Technical Assistance and the Treaty Body Capacity-Building Programme.

Despite a delay in the implementation of the project, the EWG strengthened its capacity and significantly contributed to improving the performance of the NMRF. Specifically, the NMRF supported the participation of a high-level State delegation in the third UPR cycle, in January, and the preparation of consolidated views from the Government on the recommendations. It also obtained the Government's approval for publishing the report of the Subcommittee on Prevention of Torture following its 2017 visit to the country, thereby enabling

monitoring of the follow-up. Based on the EWG's recommendation, North Macedonia joined the "Group of Friends of NMRFs," in July. In October, North Macedonia completed the ratification process for the 1961 UN Convention on Statelessness, as a follow-up to one of the recommendations issued during its third UPR cycle.

With OHCHR's support, following the completion of the third UPR cycle, in July, the EWG updated the list of integrated recommendations and drafted a new Recommendations Implementation Plan. For the first time, the NMRF shared the draft with civil society and organized a consultation at the end of 2019. The EWG also developed a proposal for the NMRF to request a dedicated page on the Government website and sought to introduce a system of annual and ad hoc consultations with civil society for reporting and follow-up tasks.

At the EWG's initiative, linkages were established between government coordination bodies concerned with human rights, namely, the National Sustainable Development Goals Council, the CRPD implementation mechanism and the national coordination body on non-discrimination, which were established in 2018. As a result, the Secretariat of the National SDG Council will use State reports and observations issued by the international human rights mechanisms in the preparation of the 2020 VNR of North Macedonia.

At the end of November, the Treaty Body Capacity-Building Programme subregional training for UN Country Teams (UNCTs) on Engagement with and Follow-up to Recommendations from International Human Rights Mechanisms was conducted in Skopje, in cooperation with the Resident Coordinator's Office (RCO) and the Human Rights

Adviser. Eighteen staff members from the new RCOs and UN agencies from five Western Balkan countries participated in the training.



### Non-discrimination (ND)

ND1 – Anti-discrimination and gender equality laws comply with international human rights standards and ensure effective protection from all forms of discrimination.



The Office contributed to the improved level of compliance of the newly adopted legislation on prevention and protection against discrimination with international human rights norms and standards, including by providing expert legal advice and advocating for compliance with recommendations issued by the international human rights mechanisms.

The Parliament adopted a new Law on Prevention and Protection against Discrimination, in May, after long political debates. OHCHR used the opportunity of the State's third UPR report, in January, to liaise with and support civil society organizations to raise this issue with other Member States during the review. The resulting eight recommendations that were issued to expedite the adoption of the Law, coupled with advocacy undertaken by civil society after the review, contributed to the Parliament's decision to adopt the Law.

An assessment of the compliance of the Law with international human rights standards will take place in 2020. The adopted text, however, appears to fully incorporate OHCHR's comments and comply with international human rights standards and recommendations issued by the international human rights mechanisms that urged the State to address

the deficiencies of the 2010 Law. The new Law includes provisions related to persons with disabilities, explicitly lists sexual orientation and gender identity among the prohibited grounds of discrimination and clarifies definitions. Most importantly, it also strengthens the mandate and provisions for ensuring an independent and effective Commission for prevention and protection against discrimination, which were the weakest elements of both the previous Law and the national anti-discrimination framework.

Since the adoption of the Law, OHCHR has continued working with civil society to encourage their ongoing engagement in promoting and monitoring its implementation. As a result, civil society strongly reacted to the failure of the Parliament to appoint the new Commission by the August deadline, and publicly called upon the Parliament to respect the Law and the human rights standards incorporated in the text.

ND1 – National mechanisms to implement the Convention on the Rights of Disabled Persons (CRPD), and monitor its implementation, are effective, adequately resourced, and comply with international standards.



OHCHR contributed to the extent to which oversight, accountability or protection mechanisms that conform to international human rights standards are functioning.

The Office continued to build the capacity of the "National Coordination Body for the Implementation of the UN Convention on the Rights of Persons with Disabilities" (NKT CRPD) in order to clarify the requirements and practical aspects

of coordination, based on the NMRF's model and experiences. OHCHR also provided technical guidance to both the NKT CRPD Secretariat and its members and participated in all key discussions it had organized. These efforts increased the understanding of the members about the Convention, while the participatory and transparent working methods strongly contributed to the NKT CRPD's recent achievements. In 2019, the NKT CRPD undertook several important initiatives that had been recommended during the initial CRPD review of North Macedonia, in August 2018. More specifically, it pushed forward the previously delayed application of the assessment conducted by the International Classification of Functioning, Disability and Health to record information on the functioning and disability of individuals at both the national and regional levels; took steps to amend legislation on construction with a view to upgrading the national physical accessibility standards and strengthening the oversight of their application; facilitated the Government's decision to make all public websites accessible; promoted the integration of inclusive education as a foundational principle in the development of new legislation on primary education; ensured that concerns of persons with disabilities are reflected in the Operational Plan of the National Strategy on the Implementation of the Council of Europe Istanbul Convention; and established a system of annual reporting related to the Operational Plan for the Implementation of the CRPD Recommendations, which was adopted in 2018. The first such annual report was published in October 2019.

Additional efforts are needed to improve the monitoring framework. The Ombudsperson was designated to perform the monitoring functions, together with persons with disabilities and their

organizations (OPDs), in August 2018. OHCHR advocated with civil society, UN and other partners to encourage the Ombudsperson to comply with the CRPD requirements. Consequently, in November 2019, the Ombudsperson agreed to start the process to fully establish the CRPD monitoring framework. OHCHR and the OSCE co-organized activities to mark International Day of Persons with Disabilities, during which it clarified CRPD requirements for the national monitoring framework and publicly promoted the Office of the Ombudsperson as the entity designated to operationalize the monitoring framework. The aim was to ensure better understanding among potential future members and the wider public about the functions of the monitoring framework and emphasized the necessity of the full participation of persons with disabilities and their civil society organizations in the framework, including in its development. In 2019, OHCHR translated into local languages, printed and disseminated the OHCHR publication *Monitoring the Convention on the Rights of Persons with Disabilities – Guidance for Human Rights Monitors* and the CRPD Committee's *Guidelines on independent monitoring frameworks and their participation in the work of the Committee*. OHCHR will undertake capacity-building activities for the CRPD monitoring framework in 2020.

**ND3 – National laws on sexual and gender-based violence (SGBV) protect women from SGBV and comply with international human rights standards.**



OHCHR contributed to improving the level of compliance of the Law on Prevention and Protection against Gender-Based Violence with

international human rights norms and standards.

The first draft of the Law, which has been open for public comments since late November, incorporates most of the international human rights standards and addresses relevant recommendations issued by the international human rights mechanisms. As a result, it is anticipated that the final draft, which is expected to be adopted by mid-2020, will be compliant with international human rights standards and ensure that effective protection is available to women victims of gender-based violence.

The drafting process began in December 2018, under the lead of the Ministry of Labour and Social Policy, which established a participatory Working Group of representatives from relevant government offices and civil society, independent experts and international organizations, including three UN agencies, namely, UN Women, UNFPA and UNHCR. The Ministry of Labour and Social Policy kept OHCHR informed and solicited guidance during the key stages of the drafting process.

While the primary aim of the Law is to facilitate the implementation of the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), ratified by North Macedonia at the end 2017, OHCHR has ensured that the Working Group is also aware of the relevant international human rights standards and obligations of the State, including CEDAW Committee's guidance and the recommendations issued by the international human rights mechanisms.

In addition to supporting the UN members of the Working Group, the OHCHR Human Rights Adviser provided comprehensive comments on the "0" draft of the law produced by the Working Group, in



August. This helped the Working Group to sharpen its focus on compliance with international human rights standards and ensure the inclusion of provisions on effective prevention and protection. OHCHR will continue to support the drafting and adoption process throughout 2020.

**ND4 – Increased public recognition of the need to combat child marriage as a harmful practice.**



OHCHR contributed to increasing the level of engagement of selected groups supporting human rights messages.

The 2019 focus of the UNCT and UN agencies on early marriage shifted when preparations began for the new Common Country Analysis and the United Nations Sustainable Development Cooperation Framework. Following the OHCHR briefing on the joint CEDAW-CRC General Recommendation/General Comment on Harmful Practices, the UNCT Human Rights and Gender Theme Group discussed possible options for joint UNCT advocacy and action. UN colleagues agreed that it would be best to address the issue through the new UNSDCF. Since CCA preparations began in December, further contributions could not be made.

Civil society used the occasion of North Macedonia's third UPR cycle, in January, to lobby other UN Member States about this issue. As a result, two specific recommendations were made to the Government to eradicate the phenomenon of early marriage as a matter of priority. In June, the State accepted both recommendations and assigned their implementation to the Ministry of Labour and Social Policy. Despite

OHCHR's support and civil society advocacy, no concrete measures have yet been put in place. After the Government accepted the UPR recommendations and agreed to amend legislation to prohibit marriages for individuals under 18 years of age, no further action has been taken by partners or requested from OHCHR.

### **Development (D)**

**D8 – The State collects reliable data systematically and in a timely manner on the situation of women and groups at risk of discrimination.**



OHCHR contributed to the improvement of the compliance of two selected State institutions/programmes with international human rights norms and standards.

The UNCT, government partners and the NMRF became more familiar with the rights-based approach to data and the benefits of its application. Technical advice on human rights indicators was provided for the UNCT activities supporting the national SDG process and the VNR of the SDGs implementation. The UNCT decided not to conduct the mid-term review of the current UNDAF in light of the fact that it is required to evaluate the UNDAF while preparing the CCA for the new UNSDCF 2021-2025.

To support a rights-based preparation of the CCA and the new UNSDCF, the Human Rights Adviser updated the internal matrix for the UNCT to reflect the most recent UN human rights recommendations that have been issued, including the outcome of the third UPR cycle and the recommendations outlined in the reports of the Subcommittee on Prevention of Torture, which were made public in 2019. To further support the UNCT and its partners to effectively

make linkages with the SDGs, the Human Rights Adviser indexed all of the recommendations with respective SDGs and added a new cluster for SDG-specific recommendations.

OHCHR used several opportunities to familiarize its partners with the OHCHR Guidance Note on data collection and disaggregation and noted how it could support programming and implementation of the SDGs and human rights obligations. Notably, these opportunities included a training on the preparation of the VNR that was organized by UNDP for the Government, in August, and a training for the NMRF, in April. As a member of the Government-led National Coordination Body on Non-discrimination (NKT AD), the Human Rights Adviser presented the OHCHR Guidance Note at the NKT AD's thematic forum, in March. As result, the NKT AD used the OHCHR Guidance Note to conduct analysis on data collection. The results and recommendations were presented to the Government in November.



## RUSSIAN FEDERATION

Population size <sup>1</sup>	Surface area <sup>1</sup>	Human Development Index <sup>2</sup>	NHRI (if applicable) <sup>3</sup>
145.87 million	17,098,000 km <sup>2</sup>	0.824 (rank: 49/188 in 2018)	Status A, 2014
Type of engagement	Human rights staff (Other type of field presence)		
Year established	2008		
Field office(s)	Moscow		
UN partnership framework	n/a		
Staff as of 31 December 2019	5		

**XB requirements 2019** **US\$988,000**

**Key OMP pillars in 2019**



<sup>1,2,3</sup> Please refer to Data sources and notes on p.208.

### PILLAR RESULTS:

#### Mechanisms (M)

**M2 – Awareness and knowledge about use of human rights mechanisms increased among NHRIs and government representatives.**

**17**

OHCHR supported greater awareness and use of international human rights mechanisms by NHRIs and government representatives from the Russian Federation.

In November, OHCHR organized and hosted the seventh edition of the annual human rights orientation programme, in Geneva, for Russian civil servants. The 12 participants (five women, seven men), from the Ministries of the Interior, Foreign Affairs, Justice, the Office of the Prosecutor General, the Federal Penitentiary Service and the Office of the Federal Ombudsperson, increased

their knowledge about the role of the international human rights mechanisms through interactive sessions with members of CAT and experts from OHCHR.

During the one-week programme, participants enhanced their understanding of the international human rights norms and standards on torture. They were also introduced to various OHCHR tools that outline the essential role of the international human rights machinery in preventing and combating torture and ill-treatment, including by strengthening the practical implementation of international norms at the national level.

#### Participation (P)

**P6 – Human Rights High Education Programmes expanded and institutionalized in the regions of Russian Federation and selected CIS countries.**



OHCHR contributed to improving the narrative on human rights by raising awareness about and integrating human rights into university curricula across the Russian Federation and Commonwealth of Independent States (CIS) countries.

The Human Rights Master's Programme is the first Master's programme in the field of human rights in Russia and is supported by OHCHR. Building on the progress achieved in the past five years, the curricula of the Human Rights Master's Programme were enhanced through the elaboration of new teaching materials. In 2019, three new courses were developed, including one on the SDGs and human rights, a second on the international protection of social, economic and cultural rights and a third on the international legal aspects of limitations on human rights. As of the end of 2019, all three courses were available in distance-learning format.

In 2019, the Human Rights Master's Programme Consortium finalized two new collective authorship textbooks on the international protection of social, economic and cultural rights (printed at the end of 2019) and on international protection of the rights of children.

The Consortium explored possibilities for a further expansion of the Programme to the south of Russia and CIS countries. In Uzbekistan, 36 representatives (11 women, 25 men) from Uzbek law schools, relevant line ministries and State agencies learned about OHCHR's experience of developing the

Human Rights Master's Programme with the Consortium of Russian universities. Participants also learned how human rights education can contribute to the implementation of the 2030 Agenda for Sustainable Development.

In June, the VII Summer School on Human Rights, the largest annual human rights education event in Russia, was held in Perm and was hosted by the Consortium, with the support of OHCHR. The week-long Summer School was dedicated to the SDGs and the role of human rights in their achievement. Participants included 212 students from nine universities based in seven Russian regions, 30 eminent national and international professors, the Director of the OHCHR Field Operations and Technical Cooperation Division, human rights defenders and experts from the UN human rights treaty bodies. As part of the Summer School, a round-table on business and human rights was jointly organized with the Global Compact Local Network in Russia. The event focused on promoting respect for human rights by businesses in compliance with the UN Guiding Principles on Business and Human Rights. The sixth European Moot Court competition, held in partnership with "Plaidier les droits de l'homme" and the International Human Rights Film Festival "Stalker", was an integral component of the Summer School outreach programme.

In addition, the Consortium organized its tenth anniversary celebration event with the participation of rectors of the Consortium, the Federal Ombudsperson and different regional ombudspersons and representatives from the Ministries of Foreign Affairs and Education. The event emphasized that the success of the Human Rights Master's Programme is due to the fruitful cooperation between Russian universities, OHCHR, NHRIs

and the Government. It also provided an opportunity for the Consortium to present its achievements and for programme alumni to share their stories.



### Non-discrimination (ND)

ND1 – NHRIs and civil society organizations significantly strengthen their anti-discrimination work, giving particular regard to domestic violence, gender equality, disability, and the rights of indigenous peoples. This work complies with international human rights standards.

5 10 16

The Office contributed to increasing the level of compliance of legislation/policy with international human rights norms and standards in relation to the rights of indigenous peoples and minority rights.

OHCHR continued to build the capacity of indigenous peoples to undertake human rights advocacy and facilitated the selection of eight fellows (six women, two men) from five regions of the Russian Federation for the Russian-language component of the OHCHR Indigenous Fellowship Programme. In 2019, the fellows improved their knowledge about the international human rights mechanisms, including how they apply to climate change and SDGs. As part of the programme, the fellows had the opportunity to exchange views with government officials, including representatives of the Ministry of Foreign Affairs, the State Duma, the Office of the Federal Ombudsperson and staff from OHCHR and the UN Information Centre (UNIC).

Led by OHCHR, the UN Gender Theme Group in the Russian Federation organized two major events to commemorate International Women's Day and International Day for the Elimination of Violence against Women, respectively. Representatives of UN agencies, the

Council of Europe, the State Duma, NGOs and lawyers, academics, human rights defenders, medical doctors and journalists exchanged experiences regarding means of countering violence against women following the 2017 amendments decriminalizing violence in domestic settings. Participants reiterated the critical role of treaty body recommendations and the need for relevant stakeholders to join efforts regarding their ongoing monitoring and implementation.

In collaboration with the UNIC, OHCHR organized a round-table, in December, on the occasion of International Day of Persons with Disabilities. The focus of the event was the role of mass media in covering disability-related issues, protecting the rights of persons with disabilities and the interaction between organizations of persons with disabilities and the media community. Over 30 representatives of organizations of persons with disabilities and journalists interacted with representatives from the State Duma, the CRPD Committee and the Office of the Federal Ombudsperson. Participants learned about the latest legislative changes related to the rights of persons with disabilities and the increased number of individual complaints that have been submitted to address the lack of accessibility in Russian regions.

Following anti-discrimination work that was undertaken before and during the 2018 FIFA World Cup in Russia, OHCHR finalized the "anti-discrimination legacy package," which is pending official approval by the Ministry of Sport. Together with UNESCO, the Office followed up with Moscow city authorities regarding their declared decision to join the Coalition of Cities against Racism, a network of cities interested in sharing their experiences to improve their policies to fight racism, discrimination and xenophobia.


**Development (D)**

**D8 – National institutions, assisted by communities, systematically collect, disaggregate and use data relevant for advancing human rights when they monitor and implement the SDGs.**



In May, in Moscow, OHCHR and the Office of the Federal Ombudsperson co-organized an expert round-table for the presentation of OHCHR’s publication *Human rights indicators: A guide to measurement and implementation*, which was translated into Russian. Participants, including over 30 representatives of the Office of the Federal Ombudsperson, various offices of regional ombudspersons, the Federal State Statistics Service, the Ministry of Foreign Affairs, civil society and FAO, learned about developing indicators to measure progress in the implementation of international human rights norms and principles. Participants welcomed the translation of the publication into Russian, enabling regional ombudspersons to use a uniform UN methodology to prepare their reports. Following the round-table, the Office of the Federal Ombudsperson organized the dissemination of the publication through a network of regional ombudspersons in more than 80 constituent units of the Russian Federation.

As a follow-up to the Moscow launch of the publication, OHCHR and the Office of the Ombudsperson in St. Petersburg co-organized a workshop, in October, entitled “Human rights indicators and the 2030 Agenda for Sustainable Development.” Participants included over 30 representatives from offices of regional ombudspersons from the North-West and the Central Federal Districts

and the St. Petersburg branch of the Federal State Statistics Service. The workshop increased the awareness of national stakeholders about guidance on human rights indicators and highlighted links between the SDGs and the human rights indicators frameworks. The sessions focused on addressing gaps in data collection, disaggregation and analysis and developing more systematic collaboration between human rights and national statistics institutions. This was followed by exchanges on the feasibility of human rights and SDGs indicators, the human rights approach to data and opportunities to strengthen collaboration with statistics institutions in the regions of the Russian Federation.

## SERBIA

<b>Population size<sup>1</sup></b>	<b>Surface area<sup>1</sup></b>	<b>Human Development Index<sup>2</sup></b>	<b>NHRI (if applicable)<sup>3</sup></b>
8.77 million	88,000 km <sup>2</sup>	0.799 (rank: 65/188 in 2018)	Status A, 2015
<b>Type of engagement</b>	Human Rights Adviser		
<b>Year established</b>	1996		
<b>Field office(s)</b>	Belgrade		
<b>UN partnership framework</b>	United Nations Development Partnership Framework 2016-2020		
<b>Staff as of 31 December 2019</b>	2		

**XB requirements 2019**

**US\$606,000**

**Key OMP pillars in 2019**



<sup>1,2,3</sup> Please refer to Data sources and notes on p.208.

### PILLAR RESULTS:

#### **Accountability (A)**

**A1 – The judiciary more often and more comprehensively references international human rights law in domestic decisions.**

**16** 

OHCHR successfully promoted the increased use of international human rights law and jurisprudence in court proceedings and decisions. It did so by providing technical advice on the implementation of the first national curriculum for the application of international human rights law.

Following the piloting of this national curriculum, the Office continued its cooperation with the Judicial Academy and external experts to make the curriculum widely available to members of the judiciary operating in varied jurisdictions and with different affiliations. The online database to support the direct application of international human rights law,

first initiated in 2018, was further developed to provide a more comprehensive cross-referencing scheme, including in relation to the jurisprudence of the European Court of Human Rights and well-systematized national legal sources, and to ensure that the database can be easily used by all levels of the judiciary on a daily basis. A second round of trainings on international human rights standards were provided to over 65 members of the judiciary (basic, higher and appellate courts and prosecution offices). Finally, four thematic manuals were published on the rights of persons with disabilities, asylum/migration, the rights of the child and non-discrimination and were distributed to courts across the country.

The follow-up to the trainings and OHCHR's online resources are case law markers, which for the first time enable the monitoring of court decisions that

directly apply UN treaty norms or refer to them in their narrative. The Supreme Court of Cassation and the Constitutional Court are developing the markers with the support of the Judicial Academy and OHCHR, which will ensure that trends in direct application of international human rights law are captured and measured over time.

Following the decision issued by the UN Committee against Torture, in August, related to the extradition from Serbia to Turkey of a Turkish political activist, two consultations were held in Belgrade and Nis with prosecutors, and judges of higher and appellate courts. The objective of the consultations was to gain first-hand knowledge about the importance of the decisions issued by the international human rights treaty bodies, encourage the revision of procedures and enhance the knowledge of acting judges regarding extradition and the non-refoulement principle.

In addition, the Office supported the monitoring of strategic cases in non-contentious proceedings concerning legal capacity. In 2019, an increase in the number of legal capacity reinstatements was reported. This can be attributed to a better understanding of the international human rights framework, the promotion of the universal right to legal capacity in capacity-development activities for the judiciary and direct support that was provided for those who were directly affected through regular cooperation with the CSO that provides free legal aid, with crucial support from OHCHR for several years. Furthermore, in 2019, the Supreme Court of Cassation handed down its first historic decision in a legal capacity case, through the extraordinary legal remedy of revision, with support from OHCHR.

## Mechanisms (M)

**M1 – The National Mechanism for Reporting and Follow-up (NMRF) verifies that recommendations made by human rights mechanisms are implemented; it uses human rights indicators.**

16 17 

OHCHR contributed to the enhanced functioning of the mechanisms for integrated reporting and/or implementation of outstanding recommendations issued by the human rights treaty bodies, special procedures, the Human Rights Council and the UPR.

In addition to OHCHR's provision of consistent advisory and technical support for the Government's ongoing activities regarding reporting and follow-up during the year, the Office helped to strengthen the capacities of the NMRF in Serbia and advance the processes of cooperation between national mechanisms, civil society and other relevant actors. Moreover, tangible progress was made in the measurement of implementation, transparency, promotion and UPR follow-up.

OHCHR facilitated the participation of CSOs in regular sessions of the NMRF and their engagement with issues of particular relevance, such as the prohibition of torture, specific reporting exercises and follow-up to individual decisions. At the request of CSOs, the Office organized a series of thematic sessions between relevant line ministries and members of the NMRF that are focused on follow-up and the exchange of insights and information about accountability regarding specific processes or outcomes, thereby enabling greater systemic cooperation between the CSOs and the NMRF. OHCHR demonstrated that it continues to play a convening role that is key to bringing relevant actors to

the same table and securing outcomes that are acceptable to all parties.

Furthermore, with expert and technical support from OHCHR, the Government of Serbia, together with CSOs, developed a set of human rights indicators. An original online database was produced to reflect nearly 400 recommendations received from the international human rights mechanisms. The database includes an interactive feature that ensures that all indicators that measure progress, their level of implementation and all relevant collected data can be easily updated and monitored by the general public.

Serbia's NMRF model, which was developed with continuous guidance and support from OHCHR, is an example of a good practice for other States developing their national mechanisms.

Serbia's NMRF has subsequently committed to developing a UPR Implementation Action Plan, a Mid-Term Report on UPR implementation and a set of indicators for the thematic clustering of recommendations. These activities will commence in early 2020, with coordinated support from OHCHR.

## Non-discrimination (ND)

**ND1 – The Government adopts or reforms five policies, laws or practices that prevent or sanction discrimination in a manner that ensures they comply with human rights standards; in doing so, it pays particular attention to the rights of women, persons with disabilities, LGBTI persons, Roma, and migrants and refugees.**

5 10 16 

The Office contributed to improving the level of compliance of policies and legislation with international human rights

norms and standards in five specific policy areas, including by providing expert legal advice to key partners.

More specifically, a proposal for the new National Strategy on Disability for 2020-2024 was finalized and, in December, the Ministry of Labour and Social Policy coordinated official public discussions on the Strategy. It is anticipated that it will be adopted by the Government in early 2020. A draft of the National Anti-Discrimination Strategy for 2020-2025 and the respective Action Plan were finalized. An official public discussion is expected to begin in January 2020. A proposal was drafted for the Action Plan on Roma Inclusion, which followed a set of intense consultations with the Roma communities across the country. Amendments were also drafted for various sections of the Family Law, including those concerning the legal capacity deprivation regime, which are expected to be presented in a public discussion in early 2020. Finally, OHCHR was requested to provide specific guidance on the creation of the National Strategy on Combating Domestic Violence. The Office produced a background document that was informed by recent recommendations issued to Serbia by CEDAW and the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence as well as collected inputs from CSOs and women's organizations that were submitted in response to a set of questionnaires. The drafting of the policy is scheduled for January 2020 and will include expert and technical support provided by OHCHR.


**Participation (P)**

P6 – Organizations of persons with disabilities (OPDs), organizations of national minorities, and other human rights civil society organizations are more visible, are included consistently in relevant policy and decision-making, and engage more frequently with UN mechanisms and Agenda 2030.



OHCHR enhanced the level of meaningful participation of rights-holders, especially women and persons with disabilities, in selected public processes.

OHCHR contributed to achieving this result by helping to create space for CSOs in policymaking processes. For instance, over 30 OPDs and CSOs contributed to public discussions on the drafting of the new National Strategy on Social Inclusion of Persons with Disabilities 2020-2024. The drafting of the new Anti-Discrimination Strategy relied on inputs from CSOs through discussions and questionnaires; consultations that were held between CSOs and the Government on the draft Anti-Discrimination Law in 2019; consultations that were held between the Government, CSOs and women's organizations on the parameters of the new Strategy on Eradicating Domestic Violence; and the coordination and framing of the critical inputs of OPDs to the Family Law amendments regarding the legal capacity regime.

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**THE RIGHT TO LIVE INDEPENDENTLY IN SERBIA: DONA'S STORY**


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Dona was born in 1954. Over the last 25 years, she has experienced violations of the right to a fair trial, the right to a private life, the right to legal capacity, the right to an independent life in a community and the right to dignity, all of which are guaranteed by the Constitution of Serbia and international human rights treaties.

It all began in 1993, when Dona was fully deprived of her legal capacity and the right to decide and make choices about her life, health and finances. For more than a decade, she was forced to live far away from her family, in a closed group home for persons with disabilities. In this institution, individuals reside against their will and experience inhumane treatment and conditions, due to a lack of support in their communities.

In 2015, with the help of her daughter and a CSO that partners with OHCHR, Dona was able to leave the institution and live independently, in her home, in Belgrade. She received regular check-ups from her doctor, made friends and enjoyed her freedom.

Yet, because she was still living under a guardianship, she did not have the legal right to make independent and autonomous decisions.

In 2019, through a programme coordinated by OHCHR in Serbia, and with the assistance of a lawyer, Dona claimed her rights before the court. Based on a long-standing medical approach in Serbia, of advocating for the removal of the legal capacities of persons with disabilities, psychiatrists involved in the case were hesitant to support the reinstatement of the legal capacity of a woman who had been diagnosed with a mental health problem. Nevertheless, her lawyer's arguments, which included references to international human rights law, and the topical knowledge of the judge, which was strengthened during OHCHR's judicial training workshops, resulted in a judicial decision that defied that approach.

In September, after 25 years, Dona was finally granted the right to make all decisions about her own life as a subject, not an object, of human rights law.



## SOUTH CAUCASUS

<b>Type of engagement</b>	Human Rights Adviser based in Tbilisi, Human Rights staff in UNCT Azerbaijan
<b>Countries of engagement</b>	Georgia, Armenia and Azerbaijan
<b>Year established</b>	2007
<b>Field office(s)</b>	Tbilisi, Georgia and Baku, Azerbaijan
<b>UN partnership framework</b>	UN Partnership for Sustainable Development 2016-2020 (Georgia) UN Development Assistance Framework 2016-2020 (Armenia) UN-Azerbaijan Partnership Framework 2016-2020
<b>Staff as of 31 December 2019</b>	8

**XB requirements 2019** **US\$1,080,000**

**Key OMP pillars in 2019**



### PILLAR RESULTS:

#### **Accountability (A)**

A5 – The UN assistance efforts in the justice sector of the South Caucasus substantially integrate international norms and standards and the processes for discussing these issues are further institutionalized by the UN and the governments of the region.

**16**

OHCHR contributed to integrating international human rights norms and standards, as well as the recommendations of the human rights mechanisms, into the UN common country programmes in the region.

In **Azerbaijan**, OHCHR continued leading the UNCT thematic group on human rights, and in August, coordinated and

supported the preparation of the joint UNCT report that was submitted to CESCR for its list of issues in anticipation of its consideration of Azerbaijan's fourth periodic report. The submission highlighted major concerns regarding the implementation of the recommendations outlined in the Committee's concluding observations in 2016. Jointly with UNFPA, OHCHR provided support in updating the assessment of the implementation status of the recommendations issued by the UPR on sexual and reproductive health and rights, which will serve as an input for the Government's Beijing+25 National Review Report in 2020.

OHCHR actively participated in the formulation of the Common Country Analysis (CCA) for Azerbaijan and provided significant inputs related to the human rights situation in the country, including in the concluding observations issued by various international human rights mechanisms regarding Azerbaijan. OHCHR played a major role in ensuring that HRBA was applied in the process of the preparation of the CCA.

In May, the Office of the State Inspector was established in **Georgia**, following five years of advocacy efforts that were undertaken by OHCHR before the executive and legislative branches in co-operation with the NHRI and NGOs. The Office of the State Inspector has been designated as the independent institution responsible for the investigation of serious human rights abuses allegedly committed by law enforcement agencies. To this end, the State Inspector has taken over responsibility for the functioning of personal data protection that was formerly exercised by the Personal Data Protection Inspector. OHCHR presented a case study on the establishment process during the launch of the Office of the State Inspector that was held in June. The case study described the advocacy work that had been carried out by OHCHR, the NHRI and NGOs for the creation of the independent investigative mechanism, the criteria they had developed for the effective operation of the mechanism, earlier legislative efforts and the adequate financial resources that would be necessary for the investigatory function of the State Inspector's Office. The investigatory function of the State Inspector's Office was formally launched, in November, when the Office received sufficient funds from the State. In 2020, OHCHR will focus on building the capacity of the newly hired investigators and monitor the performance of the Office.

It will also monitor other factors affecting its performance, such as State funding and cooperation with other State institutions, especially the Prosecutor's Office, the Ministry of the Interior and the Ministry of Justice's Penitentiary Service.

During 2019, OHCHR worked closely with other UN agencies, notably UN Women, to continue assisting the Human Rights Department of the Ministry of Internal Affairs (MIA) of Georgia. The Department was created in late 2017 and OHCHR was one of the first international actors to engage with the Department in order to strengthen its capacity and knowledge about international human rights standards. In March 2019, the Minister of Internal Affairs decided to expand the mandate of the Human Rights Department beyond the supervision of investigations into hate crimes, domestic violence and juvenile crimes to include supervision of the quality of the investigation of crimes against life and health. In June, OHCHR organized and facilitated a workshop for the MIA, the Office of the Prosecutor and NGOs on international human standards to assist the MIA Human Rights Department with this new function. The workshop established a common understanding about achievements, gaps, practical challenges and coordination needs. The participants agreed on the operational structure and the methods to be followed by the new Department, as well as a number of guidelines to be developed by OHCHR for the Human Rights Department for investigators and its staff tasked with monitoring the quality of the investigations of crimes against life and health. OHCHR will continue to engage with the Department and monitor its performance in fulfilling its mandate.

OHCHR participated in the initial stages of formulating the CCA for Georgia after attending a workshop on the validation

of the results of the Mainstreaming, Acceleration and Policy Support mission and a retreat on launching the formulation process. At both events, OHCHR highlighted the human rights situation, recommendations of the international human rights mechanisms, existing gaps and other factors that must be taken into account in the CCA. .

**A1 – The National Human Rights Action Plan in Georgia continues to comply with international human rights standards and is periodically updated to reflect recommendations of international and regional human rights mechanisms. The High School of Justice, the Police Academy and the Legal Affairs Committee in Parliament, as well as the Bar Association and its Training Centre in Georgia, deepen their knowledge of international human rights standards.**

16



The Office contributed to increased compliance of Georgian national institutions with international human rights norms and standards, including with regard to the use of new technologies in the context of the right to privacy and international standards on the prohibition of torture and the right to a fair trial.

OHCHR continued its engagement with several key institutions in **Georgia** to increase their awareness about international human rights standards. During the year, the most significant progress was made in OHCHR's engagement with the MIA and the police academy. In January, OHCHR finalized the development of the human rights module for the police academy. The 180-page module, developed by OHCHR, aims to increase the knowledge of MIA investigators on human rights-related internal and international standards. The module was discussed

with the leadership of the academy and the Head of the Ministry's Human Rights Department. Their mandates to ensure that human rights are respected in investigative processes and in preliminary detention were reinforced in 2018. The module was highly appreciated by the leadership of the police academy which pledged that all 1,100 investigators in the Ministry of Internal Affairs would receive training on the module. It was planned that OHCHR would begin by training the police academy lecturers in a training of trainers and joint trainings would be subsequently delivered to the 1,100 investigators. In March, OHCHR conducted the first training on the use of the module for 23 trainers from the police academy, three of whom were women. The training covered international human rights standards relevant to the investigation of criminal cases in the areas of domestic violence, torture and ill treatment, discrimination and the right to a fair trial. Following the training, the Human Rights Department presented OHCHR with statistics that indicated that the use of the module throughout the training period and during investigations led to improvements in the investigation process. It also reportedly resulted in an increased number of charges laid against suspects in cases of domestic violence and hate-motivated crimes that were often dismissed or classified as lesser crimes in the past. OHCHR conducted two further capacity-building workshops for the Human Rights Department and supplied it with materials on international human rights standards.

OHCHR continued its long-standing efforts to increase the knowledge of defence lawyers regarding international and applicable regional human rights standards. For all members of the Georgian Bar Association, completion of OHCHR's workshops counted towards

fulfilling their mandatory requirements for continuous professional training. In 2019, OHCHR conducted five capacity-building workshops for 86 members of the Bar (31 women, 55 men) to increase their knowledge of international standards on the rights to freedom of peaceful assembly and of association, the right to a fair trial, prohibition of torture and ill-treatment, freedom of religion or belief and combating discrimination. The success of the workshops was evidenced during continuous trial monitoring that was conducted by a respected national NGO. Available data on the cases accepted by the European Court of Human Rights also suggests an improvement in the quality of submissions by Georgian lawyers.

Due to the increased engagement of other international actors with the judiciary, OHCHR was able to begin reducing its training activities on human rights awareness for the judiciary and their assistants/clerks. Nevertheless, OHCHR cooperated with the Council of Europe, USAID, the EU, the High School of Justice (Judicial Academy) and the Supreme Court to co-organize the third annual winter school for judicial assistants. During a week-long school session, a total of 36 participants (26 women, 10 men) improved their knowledge of international human rights standards, especially with regard to freedom of expression and the prohibition of discrimination. The increased knowledge of judges was documented by the Georgian Young Lawyers Association during their ongoing monitoring of trials.

In 2019, OHCHR continued cooperating with the Bar Association in Azerbaijan and providing assistance in building the capacity of newly admitted members of the Bar. On behalf of the UNCT, OHCHR monitored a number of written admission examinations that were organized by the State Examination Commission and the

Bar Association throughout the year. OHCHR provided newly admitted members with the Azerbaijani translation of specific OHCHR publications, including a compilation of key general comments and general recommendations issued by CAT, CEDAW, CESCR, CMW, CRPD and the Human Rights Committee in addition to the most recent concluding observations issued by the human rights treaty bodies. In April, OHCHR cooperated with the management board of the Bar Association, the Office of the Ombudsperson and civil society organizations to organize and deliver a seminar on the “United Nations human rights system and protection mechanism in the administration of justice.” Participants included 40 practicing lawyers and newly admitted members. The training raised their awareness about the UN human rights mechanisms, international human rights standards in the administration of justice and the role of civil society and the lawyers’ community in protecting human rights. Moreover, OHCHR supported the Bar Association in developing the lawyers’ handbook, which provides legal practitioners with guidance on professional responsibilities and an overview of legal resources and information on governmental, legislative and judicial structures, directories of national legal resources and international human rights resources, such as the UN human rights mechanisms, the lawyers’ code of ethics and the UN human rights system and its mechanisms.

## Participation (P)

P4 – In at least one country, persons with disabilities make increasing use of national protection systems.



OHCHR contributed to increasing the use of national protection systems in compliance with international human rights norms and standards by persons with disabilities in **Azerbaijan**.

Within the framework of the project on “Enhancing the capacity of national actors in promoting and effectively protecting human rights,” which was supported by the EU delegation to Azerbaijan, OHCHR continued providing free legal assistance services through the legal aid resource centre that was established in 2018. As a result, 403 individuals (181 women, 122 men) representing members of vulnerable groups, including persons with disabilities, low-income populations and victims of gender-based violence, received legal assistance during the year on a broad range of matters. Specific focus was placed on social and economic rights, such as social security rights, property rights, family law and labour rights. The number of applicants in 2019 increased from 355 in 2018 to 403 in 2019.

In addition to legal services rendered in Baku, OHCHR worked closely with the Ombudsperson to organize monthly onsite legal services in the western, northern, north-eastern and south-eastern regions of Azerbaijan, namely, the regions of Ganja, Guba, Jalilabad, Shaki and Tovuz. Out of 403 cases handled by the Resource Centre, 201 cases were handled in the regions. Of the registered applications, 45 per cent related to social security rights, 19 per cent related to family law rights, 14 per cent related

to housing and property rights, 10 per cent related to labour rights, nine per cent related to civil disputes and the rest related to criminal cases.

In 2019, OHCHR continued supporting the legal aid resource centre that facilitated outreach activities, access to national legislative data, international human rights instruments and other human rights-related educational materials for CSOs and members of the lawyers' community. OHCHR hosted 27 onsite capacity-building events, including seminars, round-table talks, trainings and workshops. These trainings brought together 281 participants (165 women, 116 men), compared with 154 participants that received training in 2018. Out of 281 participants trained in 2019, approximately 65 per cent represented CSOs working in areas related to the rule of law, the rights of women and the rights of the child, social work and sustainable development. Approximately 15 per cent of the participants were lawyers and nearly 20 per cent represented social workers, teachers, journalists and youth. The trainings covered a range of topics, such as inclusive education and the rights of persons with disabilities, women's rights and women's empowerment, gender-based violence, the rights of the child, youth participation, human rights advocacy, social work, research and civil society, Sustainable Development Goals, human rights and the environment, international human rights mechanisms and the development of submissions to the international human rights mechanisms. The participants received over 2,000 copies of human rights and educational materials that were available at the legal library of the resource centre. OHCHR translated the materials into the national language and printed the documents for dissemination.



## Non-discrimination (ND)

ND7 – Officials, journalists, lawyers, university and high school students increasingly advocate for, and work to create, inclusive and diverse societies.



The Office contributed to increasing the level of engagement of parliamentarians and government officials in supporting the right to freedom of assembly and combating discrimination based on sexual orientation.

In 2019, OHCHR focused on advocacy to increase the protection of the rights of religious minorities as one of the priorities in **Georgia**. The Office used the meetings of the Parliament's Human Rights Committee on issues of freedom of religion to bring together members of various religious communities, Members of Parliament, government officials, NGOs and OHCHR to advocate for the freedom of religion and highlight the situation of religious minorities. This was the first time that religious minorities were able to express their views and challenges in the Parliament. Ultimately, the meetings failed to find a resolution related to the July 2018 decision of the Constitutional Court that the financial and tax advantages enjoyed by the dominant Georgian Orthodox Church were discriminatory to other religious groups. The Parliament was instructed to either remove the advantages made available to the Orthodox Church or extend them to other religious groups. As of the end of 2019, the Parliament had not changed the legislation, however, the meetings provided an opportunity to challenge the ideas of certain MPs regarding limitations on freedom of speech related to "blasphemy" and publicly highlight difficulties in obtaining building permits for new mosques. OHCHR helped

to clarify a number of questions related to international human rights standards and provided confidence for NGOs and members of minority groups to raise their issues of concern. OHCHR maintained contact with meeting participants, including in relation to the ongoing lawsuit regarding a building permit for a mosque in Georgia's third largest city, Batumi.

At the regional level, OHCHR engaged in discussions about freedom of religion at a conference that was held in Yerevan, Armenia, in May, entitled "Contemporary issues of freedom of religion in Armenia, Georgia and beyond", which was organized by Armenian NGO Eurasia Partnership Foundation. Religious organizations, NGOs and government organizations from Armenia and Georgia, as well as experts from the OSCE Office for Democratic Institutions and Human Rights and international NGOs, took part in the conference. Discussions focused on key policy and legislative challenges and gaps in Armenia and Georgia and ways to address them. OHCHR moderated a session on "Global challenges in the field of freedom of religious belief and the situation in Armenia and Georgia." The conference provided an opportunity to demonstrate the international community's interest in freedom of religion and minority issues in the region.

Combating discrimination on the grounds of sexual orientation was another priority in 2019. OHCHR assisted in the preparation of a meeting of the diplomatic community and representatives of the Government with the Georgian LGBTI community in the UN House, in May, to commemorate International Day against Homophobia, Transphobia and Biphobia.

Many of the challenges experienced by the LGBTI community, including those identified by the UN Independent Expert on protection against violence

and discrimination based on sexual orientation and gender identity during his autumn 2018 country visit to Georgia, were discussed. OHCHR helped to develop common advocacy points in order to call for changes to policy and in the narrative with regard to LGBTI persons, in particular in statements made by politicians to promote the inclusion and implementation of existing anti-discrimination legislation.

In June, OHCHR participated in a meeting convened by the Minister of Internal Affairs, in Georgia, with selected members of the diplomatic community in order to discuss preparations for the first Tbilisi Pride march, which was scheduled to take place later that month. The diplomats insisted on the highest level of police protection for the participants, particularly in the face of threats by conservative and homophobic groups, to fulfil Georgia's international obligations and constitutional provisions on the right to freedom of peaceful assembly. OHCHR participated in a number of subsequent consultations on a possible Tbilisi Pride march, with the participation of the Ministry of Internal Affairs, the LGBTI community and the diplomatic community. The Pride march was postponed due to unrelated protests that took up much of police resources. Nevertheless, consistent advocacy undertaken by the international community made it clear to authorities that they were responsible for protecting the rights of the LGBTI community to hold peaceful assemblies, despite threats from conservative elements of the society. A small Pride gathering took place in Tbilisi, on 8 July. OHCHR continued to emphasize the rights of LGBTI persons in its discussions with the Government and the Parliament, in particular with regard to strengthening the protection of social and economic rights, such as the right to health, of sexual minorities.

### OHCHR'S LONG-TERM COMMITMENT TO CAPACITY-BUILDING BEARS FRUIT IN GEORGIA

OHCHR has been engaged in capacity-building for members of the Georgian Bar Association (GBA) for approximately 10 years. Several times a year, OHCHR offers a short course on international human rights standards and mechanisms, which is one of the courses that satisfies the mandatory requirement of continuing education for GBA members.

In that time, the Office retained contact with many defence lawyers who had taken the course in order to get feedback on how they have used the knowledge they gained. Recently, OHCHR received feedback from two female lawyers who participated in the course in 2017 and 2018, respectively. Both individuals indicated that the course had led to an improvement in their skills and enabled them to better defend the rights of their clients. In addition, they reported that they regularly applied international standards and the case law of the human rights treaty bodies and the European Court of Human Rights in their own cases, which has helped to advance the promotion and protection of human rights in the justice system.

In a powerful example, one of the lawyers noted that she had successfully applied these principles and international standards in a case on the right to housing of a minor. The dispute was related to property that the minor owned, which had been mortgaged to benefit a microfinance organization. The house was forcibly sold at an auction and the new owner demanded the eviction of the minor. The lawyer challenged the validity of the mortgage agreement and indicated that the right to housing had been violated since the mortgage was detrimental to the best interests and because the signatories did not have the right to mortgage the property of a minor.

The judge accepted the arguments and restored the minor's housing rights. The lawyer emphasized that she would not likely have won the case had it not been for the OHCHR course.

As the lawyers concluded, the OHCHR course is making a significant contribution to the development of justice and human rights protection in Georgia.



## UKRAINE

<b>Population size<sup>1</sup></b>	<b>Surface area<sup>1</sup></b>	<b>Human Development Index<sup>2</sup></b>	<b>NHRI (if applicable)<sup>3</sup></b>
43.99 million	604,000 km <sup>2</sup>	0.750(rank: 88/188 in 2018)	Status A, 2014

<b>Type of engagement</b>	Human Rights Monitoring Mission in Ukraine (HRMMU)
<b>Year established</b>	2014
<b>Field office(s)</b>	Kyiv; field offices in Donetsk, Kharkiv, Kramatorsk, Luhansk, Mariupol and Odesa
<b>UN partnership framework</b>	United Nations Partnership Framework 2018-2022
<b>Staff as of 31 December 2019</b>	55

<b>Total income</b>	<b>US\$6,706,216</b>
<b>XB requirements 2019</b>	<b>US\$6,735,000</b>
<b>Total XB expenditure</b>	<b>US\$4,676,440</b>
<b>Personnel</b>	<b>Non-personnel PSC<sup>4</sup></b>
<b>76%</b>	<b>15% 9%</b>
\$3,543,111	\$694,950 \$438,379

### Key OMP pillars in 2019



<sup>1,2,3,4</sup> Please refer to Data sources and notes on p.208.

## PILLAR RESULTS:

### Accountability (A)

**A1 – State institutions hold to account a higher proportion of those who are responsible for grave violations of human rights or humanitarian law.**

**16** 

The Human Rights Monitoring Mission in Ukraine (HRMMU) contributed to increasing the compliance of State institutions and programmes with international human rights norms and standards by advocating for accountability for human rights violations and providing expert legal advice on human rights issues.

On the occasion of the fifth anniversary of the 2014 killings and violent deaths at the Maidan protests and in Odesa, the HRMMU published briefing notes summarizing accountability procedures and shedding light on the lack of progress made to date. It also called for the political will that is needed to address these concerns, hold perpetrators accountable and deliver justice to victims and their families. During 2019, the HRMMU extensively advocated for the investigations of these cases, which coincided with the consideration of amendments to the Law on the State Bureau of Investigations

(SBI) and eventually led to the transfer of the investigative team to SBI, in line with HRMMU's recommendations that the investigations are not interrupted.

During the reporting period, the HRMMU continued to advocate for the proper classification of hate crimes to ensure the accurate reflection of the gravity of such crimes and their impact on victims and the wider community. As a result of these activities, the national police changed its approach in the investigation of hate crimes and began to gather statistics that indicated an increased investigation of relevant cases under hate crimes charges, as compared with 2018.

Following sustained advocacy undertaken by the HRMMU to reduce unlawful pretrial detention in conflict-related criminal cases (prosecutions for crimes against national or public security), including through the submission of amicus curiae to the Constitutional Court of Ukraine, the Court declared, in June, that article 176.5 of the Criminal Procedure Code was unconstitutional. Under the article, which was originally adopted in 2015, if there were grounds to impose restrictions against individuals being prosecuted for crimes against national or public security (conflict-related cases), only pretrial detention could be imposed (instead of bail or any other lesser measure). The quasi-automatic application and extension of pretrial detention in conflict-related cases, combined with protracted trials, frequently led to extreme cases of pretrial detention lasting more than four years in violation of the rights of defendants.

As part of its advocacy, the HRMMU supported the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity to explore the root causes of violence and discrimination



and consider the impact of social prejudice and the rise of intolerance among extreme right-wing groups in Ukraine. The HRMMU highlighted the issue of discrimination based on sexual orientation and gender identity with local authorities and facilitated contact between security forces and civil society organizations working on these questions, thereby advocating for the protection of human rights defenders and on behalf of the LGBTI community. The HRMMU participated in the global Free & Equal campaign to raise awareness, counter misconceptions and hate narratives and encourage acceptance and inclusion of the LGBTI community, including among police officers. This advocacy, coupled with consistent public reporting, contributed to the successful coordination and sufficient policing of the peaceful assemblies that took place during LGBTI Pride marches in Kyiv (June), Odessa (August) and Kharkiv (September).

The HRMMU also continued to provide expert advice and technical support to relevant stakeholders on the issue of torture and ill-treatment. Specifically, the HRMMU took steps to increase the knowledge of monitors from the National Preventive Mechanism, the State Bureau of Investigation, the Civil-Military Cooperation Unit and civil society regarding the international standards for the treatment of prisoners and the investigation and documentation of torture and their capacity to advocate for the prevention of torture and ill-treatment in places of deprivation of liberty. As a result, the HRMMU noted a decrease in the number of such cases (in conflict-related cases) observed since 2015.



## Peace and Security (PS)

**PS3 – State authorities and non-State actors protect and promote the human rights of populations living in territories affected by conflict.**



The HRMMU contributed to increasing the level of compliance of legislation/policy with international human rights norms and standards on the protection of civilians in armed conflict, including the payment of pensions to residents of non-Government-controlled territory, remedies and reparations for civilian victims of the conflict and the facilitated movement of civilians across the contact line.

The HRMMU contributed to significantly enhancing the knowledge of State and civil society actors to address violations of international human rights and humanitarian law. The HRMMU issued four periodic public reports in 2019, containing recommendations on human rights and humanitarian law challenges, including in conflict-affected eastern Ukraine and Crimea. The monitoring and reporting activities of the HRMMU on both sides of the contact line informed decision and policymakers, as well as the Ukrainian population at large, about the human rights situation, including the socio-economic conditions in areas controlled by armed groups and in proximity to the contact line. In addition to the public reports, the HRMMU carried out 1,266 individual follow-up and advocacy interventions with a broad range of national and local key stakeholders, such as the Ministries of Temporarily Occupied Territories and Internally Displaced Persons, Social Protection, Defence, Justice and Foreign Affairs and the Security Service of Ukraine, the Civil-Military Administration in

the conflict-affected areas and armed groups. These interventions were undertaken to support the Government and non-State actors in their work to address human rights violations and improve their understanding of the challenges being faced.

Advocacy undertaken by the HRMMU, combined with awareness-raising through its monitoring and reporting activities, enabled relevant stakeholders to develop informed responses, such as the draft National Strategy for the Protection of Civilians in Armed Conflict, pending approval in 2020, and the Cabinet of Ministers' Resolution on Compensation for Property Destroyed Due to Hostilities that was adopted in July. In August, the Government adopted a resolution regulating the movement of individuals and the transfer of goods across the contact line, taking into account comments and suggestions provided by the HRMMU and its partners. The resolution prescribes the establishment of a list of goods that are prohibited for transfer, replacing the list of goods that were permitted for transfer, and notes that children under 14 years of age will be able to cross the contact line without a passport. Lastly, advocacy undertaken by the HRMMU and partners contributed to the registration of two draft laws in the Parliament. The first relates to the payment of pensions to residents in non-Government-controlled territories and the second relates to the provision of remedies and reparations to civilian victims of the conflict. If adopted, the laws would make a meaningful difference in the well-being of tens of thousands of conflict-affected civilians.

The HRMMU remained the only entity (both national and international) that maintained a comprehensive record of conflict-related civilian casualties in Ukraine throughout the conflict period.

Relevant data was disaggregated by sex, age, place of incident, the weapon/type of incident and the entity/ies controlling the place of the incident. The record was used to regularly inform State and non-State actors about the human costs of the conflict. Such awareness-raising, coupled with consistent HRMMU advocacy aimed at the mitigation of civilian casualties, enabled the Mission to focus on life-saving activities in the east of Ukraine, including by providing a wider “protection by presence.” The HRMMU was able to reach victims and witnesses of violations, visit remote sites, shelled areas, grey zones, hotspots, checkpoints and vital civilian infrastructures; and record civilian casualties. As a result of HRMMU reporting and advocacy, which were coordinated with complementary efforts by other key actors, such as the OSCE Special Monitoring Mission to Ukraine, in 2019, conflict-related civilian casualties were 40 per cent lower than in 2018, and reached their lowest levels for the entire conflict period. Furthermore, project activities, including advocacy related to the provision of remedy and reparations to civilian victims of the conflict, benefited communities located in the active conflict zone (within five kilometres of the ‘contact line’ of the armed group-controlled area), reaching approximately 400,000 people.

**PS3 – State authorities adopt and implement laws and programmes that prevent sexual violence from occurring in the context of conflict, violence and insecurity; they investigate and prosecute cases of sexual violence that occur.**

**16**

The HRMMU helped to strengthen oversight, accountability and protection mechanisms that conform to international human rights standards through the provision of technical assistance and expert legal advice on conflict-related sexual violence.

Throughout 2019, the HRMMU continued to develop joint advocacy initiatives to combat sexual and gender-based violence. This advocacy was based on findings contained in the HRMMU’s periodic reports, which provided assessments and recommendations regarding sexual violence in the context of conflict, violence and insecurity, including accountability, respect for fundamental freedoms, women’s rights and conflict-related sexual violence. To reinforce its advocacy work, the HRMMU provided technical assistance to military personnel that were scheduled to be deployed to the conflict area as part of a Civil-Military Cooperation Unit and CSOs to address conflict-related sexual violence, including through relevant capacity-building activities.

Moreover, this advocacy, coupled with technical assistance for relevant stakeholders and efforts to build on the findings of its 2017 thematic report on conflict-related sexual violence, enabled the HRMMU, in partnership with other stakeholders, particularly UN Women, to successfully encourage the Government to strengthen its commitment to address all aspects of conflict-related sexual violence. Some of the legal gaps

in the definition of rape and sexual violence, identified in the thematic report, were addressed in amendments to the Criminal Code of Ukraine, which entered into force on 11 January.

**PS3 – The UN’s early warning systems and strategies in Ukraine integrate and update human rights information and analysis.**

**16** 

The HRMMU advanced the application of human rights-based approaches to the implementation of the UN Partnership Framework (UNPF) and the formulation of the Ukraine Multi-year Humanitarian Response Plan (HRP) by providing technical advice and data that informs on human rights and gender equality in key thematic areas.

To contribute to the integration of human rights into early warning and other UN strategies, the HRMMU continued advising the UNCT on the implementation of the UNPF with Ukraine, with an emphasis on applying UN programming principles related to human rights, gender equality and women’s empowerment, sustainability, resilience and accountability and the supply of data that highlights human rights and gender equality in specific thematic areas.

The HRMMU co-led Pillar 3 of the UNPF, “democratic governance, rule of law and civic participation,” thereby helping to formulate its outcomes and indicators. As part of its own work in this area, the HRMMU issued a thematic public report on civic space and fundamental freedoms ahead of the presidential, parliamentary and local elections in Ukraine in 2019-2020. It also actively participated in Pillar 4, “human security, social cohesion and recovery with a particular focus

on eastern Ukraine,” facilitating the coordination of efforts of all UN agencies in Ukraine. The HRMMU worked with the UNCT, the Humanitarian Country Team, the Gender Theme Group, the Protection Cluster and the gender-based violence sub-Cluster platforms to promote its findings and recommendations, thus helping to shape policies in response to human rights violations beyond its own capacity.

In 2019, the HRMMU led the UNCT’s Human Rights Working Group. As part of these activities, it coordinated joint UNCT submissions to the CRPD Committee in anticipation of its preparation of the list of issues related to its consideration of Ukraine’s combined second and third periodic reports. Similarly, a joint UNCT submission, coordinated by the HRMMU, was sent to the Human Rights Committee in anticipation of its preparation of the list of issues prior to its consideration of Ukraine’s eighth periodic report. Finally, the UNCT filed a joint submission to supplement Ukraine’s follow-up report to the concluding observations issued by CEDAW. In coordinating these submissions, the HRMMU promoted a unified UNCT approach and ensured that the major human rights issues affecting Ukraine were brought to the attention of the UN human rights mechanisms.

The HRMMU contributed to the renewal of the joint UN Social Cohesion Campaign by updating two of four briefing notes (on payment of pension and birth registration) and providing comments in relation to the other two (on freedom of movement and the inclusion of internally displaced persons). Furthermore, as part of the humanitarian agenda, the HRMMU analysis strongly supported the development of joint rapid response actions to address the disruption of basic services in conflict-affected areas, together with IOM, OCHA, UNHCR, UNICEF and WHO. The HRMMU also helped to shape and

provide key data on the conflict-affected areas for the HRP 2019-2020, which was adopted in January.

During 2019, the HRMMU reports were quoted by the European Court of Human Rights, the International Court of Justice and the International Criminal Court, as well as by the OSCE Election Observation Mission. The consistent and detailed documentation of civilian casualties and reported human rights violations served multiple purposes, including early warning and support for conflict resolution activities at a high level in the peace processes (the Trilateral Contact Group on Ukraine in Minsk and the Normandy Four) and in the OSCE Permanent Council in Vienna, the Security Council and the Human Rights Council. It also served to inform and influence the design of humanitarian and development responses by both national and international stakeholders.

## Mechanisms (M)

**M1 – The Government of Ukraine implements recommendations by the human rights mechanisms that affirm international human rights principles, standards and best practices.**

16 17 

The HRMMU supported the review and strengthening of the National Human Rights Action Plan (NHRAP) as a national mechanism for integrated reporting and the implementation of outstanding recommendations of the international human rights mechanisms by conducting a technical review and providing concrete recommendations.

In 2019, the HRMMU continued advocating for the revision of the NHRAP, which is due to expire at the end of 2020. As a result, the HRMMU provided advocacy interventions to build the capacity of new human rights counterparts in the Government, which took over the respective national institutions and ministries following the 2019 presidential and parliamentary elections.

As a result of consistent advocacy to facilitate the implementation of international human rights principles, standards and recommendations, the Government took steps to integrate human rights recommendations into its policies and laws. For example, while reaffirming the general rule that any document issued in the armed group-controlled areas is null and void, an exception has been made, since 2019, for birth- and death-related documents that “shall be attached to the applications for registration of birth or death,” as outlined in the Law “On particular aspects of public policy aimed at safeguarding the sovereignty of Ukraine over the temporarily occupied territory of the Donetsk and

Luhansk regions of Ukraine.” After the HRMMU’s analysis and advocacy was shared, the final version of the Law “On ensuring the functioning of Ukrainian as the State language,” was amended between the first reading in October 2018 and second reading in April 2019. It now reflects a more balanced approach, particularly with respect to language proficiency requirements for running for public office and in relation to linguistic requirements in the electoral process, the media and commercial spheres. While the Law ensures the availability of adequate educational opportunities, such as preparatory language training programmes, it does not fully provide sufficient guarantees for the protection and use of minority languages.

Following a 2018 request for assistance from the Ministry of Justice to implement the newly designed methodology for the monitoring and evaluation of the 2015-2020 NHRAP, OHCHR provided technical advice to the Ministry to support its implementation. The HRMMU also coordinated joint UN efforts and prepared plans for further engagement in relation to the development of Ukraine’s next NHRAP.