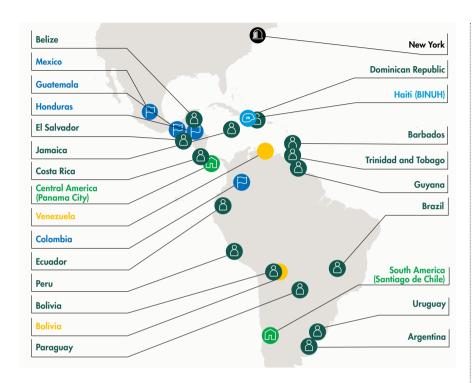
# **UN Human Rights in the Americas**



#### **TYPE OF PRESENCE**

# Headquarters

Country/Stand-alone Offices/ Human Rights Missions

Regional Offices/Centres

Human rights components of UN Peace/Political Missions

Human Rights Advisers

Other types of field presences

#### **LOCATION**

New York

Colombia, Guatemala, Honduras and Mexico

Central America (Panama City, Panama) and South America (Santiago de Chile, Chile)

Haiti (BINUH)

Argentina\*, Barbados\*, Belize\*, Bolivia\*, Brazil\*, Costa Rica, Dominican Republic, Ecuador\*, El Salvador, Guyana\*, Jamaica\*, Paraguay, Peru\*, Trinidad and Tobago\* and Uruguay\*

Bolivia and Venezuela

#### **LEGEND:**

### Spotlights:





#### Shifts:















#### SDGs:



































<sup>\*</sup> Human Rights Advisers deployed under the framework of the United Nations Sustainable Development Group.

In 2020, UN Human Rights' work in the Americas region covered 35 countries and consisted of 24 field presences: two regional offices (in Panama and Santiago de Chile); four country offices (Colombia, Guatemala, Honduras and Mexico); one human rights component in a peace mission (United Nations Integrated Office in Haiti (BINUH)); a technical mission in Bolivia; a team under the Resident Coordinator's Office (RCO) in Venezuela; and 15 human rights advisers (HRAs): three international HRAs in Costa Rica, the Dominican Republic and Jamaica and 12 national HRAs deployed in Argentina, Barbados, Belize, Bolivia, Brazil, Ecuador, El Salvador, Guyana, Paraguay, Peru, Trinidad and Tobago and Uruguay.

The COVID-19 pandemic highlighted underlying structural human rights challenges, including profound inequalities and fragile democratic systems. By the end of the year, new cases and deaths in the Americas accounted for nearly half of all new cases globally and over one third of all new deaths. The Americas faced the greatest negative economic impacts of COVID-19, which underscored pervasive levels of inequality in accessing economic, social and cultural rights (ESCRs) in the region and the overall weakness of public health systems. Social protests that erupted across the region, including in relation to claims for access to basic services and demands for better management of resources, were at times met with discriminatory and excessive use of force by the police. Across the region, the pandemic highlighted the longstanding social exclusion of indigenous peoples and people of African descent, exacerbating the structural barriers to the enjoyment of their individual and collective rights. Social movements highlighted challenges related to systemic racism, especially against people of African descent. The disproportionate impacts of the pandemic on women were particularly felt by women working in the informal sector, domestic workers, indigenous women and women of African descent and were accompanied by a surge in sexual and gender-based violence, including femicide. LGBTI persons were more at risk of violence and discrimination.

UN Human Rights led monitoring efforts on the impacts of COVID-19 on the human rights situation in the region. It conducted advocacy and strengthened its alliances with UN Country Teams (UNCTs) and key partners, focusing on vulnerable populations and highlighting the need to ensure respect for civic space and accountability to guarantee non-recurrence. The Office observed significant restrictions imposed on civic space due to the pandemic, including limitations to the rights of freedom of movement, association and assembly, freedom of expression and opinion. Arbitrary detentions for a lack of respect for lockdown and curfew measures were also reported. Declared states of emergency were at times contrary to relevant international standards. The impacts of COVID-19 on persons deprived of their liberty was a serious concern, particularly due to an absence of containment protocols and protective equipment in many countries of the region. This situation sparked protests and riots in numerous detention centres, resulting in the death of inmates in some countries.

Human rights defenders (HRDs) and journalists continued to face some of the highest risks of deadly attacks in the world. In particular, defenders of land and environmental rights and the rights of indigenous peoples, people of African descent, peasants and LGBTI persons were at the greatest risk of becoming victims of homicide, attacks, threats,

harassment, stigmatization and criminalization. In addition, comments expressed by high-level authorities contributed to a heightened risk of attacks against those working in the media. Despite COVID-19 restrictions, OHCHR continued to monitor the situation of HRDs, both in-country and remotely. It provided technical support to authorities to enhance prevention, protection and accountability mechanisms.

The pandemic exacerbated the vulnerable situation of persons on the move in the region. Migrants were hindered from crossing international borders. At the same time, the socio-economic impacts of the pandemic and natural hazards, such as Hurricane Eta and Hurricane Iota, in November, contributed to an increase in movements of people, including in the form of "migrant caravans" in Central America. UN Human Rights monitored the situation, issued press statements and thematic subregional overviews and provided technical support to authorities. The Office enhanced its capacity to monitor the situation of Venezuelan migrants and refugees and to address key human rights issues as a member of the UN Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela.

Furthermore, OHCHR continued supporting State institutions, CSOs and national human rights institutions (NHRIs) to adopt a human rights perspective and strengthen accountability systems, improve access to justice and reparations for victims of gross human rights violations, expand civic space and support technical cooperation and institution-building.

The Office responded to emerging crises by strengthening its early warning and prevention responses. Surge capacity was provided to respond to electoral processes in Bolivia and Guyana (UN light team) and in the context of protests in Peru. OHCHR actively contributed to prevention mechanisms under the umbrella of the Secretary-General's Call to Action for Human Rights, which builds on and incorporates the Human Rights up Front (HRuF) Initiative, including in Regional Monthly Reviews (RMRs), meetings of the Deputies and Executive Committee and meetings of the Inter-Agency Standing Committee (IASC).

In 2020, Venezuela's continued political, economic and social crises were compounded by the pandemic and sectoral sanctions. The High Commissioner for Human Rights presented two reports and three oral updates on the human rights situation in Venezuela to the Human Rights Council (HRC). In September, the Independent International Fact-Finding Mission (FFM) on the Bolivarian Republic of Venezuela, established under HRC resolution 42/25, presented its report. During the Council's forty-fifth session, two resolutions were adopted on the situation in Venezuela, extending OHCHR's mandate on reporting and providing technical assistance and extending the FFM's mandate for another two years. In September, the Letter of Understanding between OHCHR and Venezuela was renewed for an additional year, enabling the Office to triple its presence in the country and expand its technical cooperation. OHCHR gained unprecedented access throughout the country, formalized work mechanisms with authorities for more sustainability and continued its high-level dialogue with a view to ensuring a sustained presence in the country.

OHCHR strengthened the technical mission that was deployed to Bolivia in 2019. In August, the High Commissioner presented her report on the human rights violations that occurred in the aftermath of the 2019 national elections. The technical mission operates under the global OHCHR mandate and as part of the UN system's Peace Consolidation Initiative for Bolivia. It has also been contributing to conflict prevention and dialogue in the context of the October 2020 elections.

The Regional Office for Central America and the Caribbean continued to remotely monitor and report on the human rights situation in Nicaragua. In 2020, the High Commissioner presented three oral updates on the human rights situation in the country, as mandated by the HRC. Five bimonthly reports were also issued. The Council's forty-third session extended the mandate of the High Commissioner to report on the human rights situation in Nicaragua.

OHCHR continued to follow the human rights situation in the United States of America, in particular with regard to the implications of migration policies, the death penalty and challenges stemming from systemic racism. Following the death of George Floyd, the HRC mandated the Office to prepare a worldwide report on systemic racism, law enforcement and protests.

In November, the Office conducted a mission to Peru to gather information on human rights violations that were committed in the context of protests related to the impeachment of former President Vizcarra by the Congress. The mission's findings were published in January 2021.

Enhanced engagement in the Englishspeaking Caribbean subregion resulted in a regional strategy, the deployment of three new HRAs and a dedicated Regional Coordinator. Following the deployment of a UN light team to Guyana in the context of the 2020 electoral crisis, OHCHR substantially increased its engagement with authorities and civil society, leading to the launch of a one-year capacity-building programme on identified human rights issues.

OHCHR continued to maintain close relations with regional organizations, especially the Inter-American Commission on Human Rights. In the context of the Ioint Action Mechanism to Contribute to Protection of Human Rights Defenders in the Americas, the close collaboration of the organizations improved the capacity-building of and exchange of information between HRDs in the region.

#### **BARBADOS**

Type of engagement	Human Rights Adviser for English-speaking Caribbean
Countries of engagement	Antigua and Barbuda, Barbados, the Commonwealth of Dominica, Grenada, Guyana, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago
Year established	2012
Field office(s)	Bridgetown (Barbados), Georgetown (Guyana) and Port of Spain (Trinidad and Tobago)
UN partnership framework	UN Multi-country Sustainable Development Framework (UN MSDF) in the Caribbean 2017-2021
Staff as of 31 December 2020	1

XB requirements 2020

US\$142,000

**Key OMP pillars in 2020** 







#### **PILLAR RESULTS:**



# **Non-discrimination**

ND1 - In at least three countries (Barbados, Jamaica and Trinidad and Tobago), laws and policies protect the rights of women, persons with disabilities, persons living with HIV, LGBTI persons and religious minorities.









OHCHR contributed to increasing the level of compliance of legislation and policy with international human rights standards in relation to the rights of migrants, women and persons with disabilities.

Throughout the year, UN Human Rights supported activities to enhance the protection of the rights of vulnerable groups, increase public awareness and strengthen the capacity of UNCTs to address the situation of marginalized groups in the region. In Barbados, OHCHR collaborated with CSOs to conduct webinars on violence against persons with disabilities and the impacts of the COVID-19 crisis on their lives. The Office also enhanced the knowledge of rights-holders on how to engage with the international human rights mechanisms in order to hold governments accountable through the delivery of workshops to civil society in Barbados, Saint Lucia and Saint Vincent and the Grenadines.

In Barbados and Guyana, OHCHR supported activities focused on protecting the rights of persons with disabilities. The HRA advised the UNCTs on the implementation of the United Nations Disability Inclusion Strategy (UNDIS)

and contributed to the development of a joint UNCT disability project. OHCHR also assisted with proposals that were submitted to the United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) for initiatives to be implemented in Antigua and Barbuda, Barbados, Dominica, Guyana and Saint Kitts and Nevis. The initiatives will aim to improve data collection and develop policy and legislation to protect the rights of persons with disabilities. In Guyana, the HRA facilitated the inclusion of a UNV disability inclusion specialist in the RCO.

In partnership with CSOs and UNHCR, OHCHR monitored the situation of migrants in Guvana and in Trinidad and Tobago. The Office issued public statements on the detention and deportation of Venezuelan migrants from Trinidad and Tobago, including persons registered as asylum seekers, some of whom were children. In a number of cases, migrants were deported in small boats while judicial proceedings were pending. Following OHCHR's public statements, the Prime Minister of Trinidad and Tobago indicated that the Government would continue to extend protection to over 16,000 Venezuelans that were registered to live and work in the country.

In parallel, OHCHR and IOM conducted a training on the IOM displacement tracking matrix on Venezuelans in Trinidad and Tobago, which measures the enjoyment of human rights by migrant populations. OHCHR also provided expert advice to the UNCT in Trinidad and Tobago by participating in its sub-working groups on detention and the human rights of migrants. In Guyana, OHCHR contributed to the efforts of IOM and UNHCR to address challenges faced by migrants, refugees, asylum seekers and victims of human trafficking by raising the awareness of authorities about applicable international human rights standards and laws. OHCHR activities contributed to a joint UN approach on engaging with authorities about key concerns related to the situation of migrants and refugees.

Furthermore, the Office took steps to enhance the protection of women's rights. In order to assist the RCO in Guyana with the implementation of the Secretary-General's strategy to prevent and respond to sexual exploitation and abuse (PSEA), OHCHR supported the creation of a UNCT PSEA network. In Barbados. OHCHR facilitated the launch of the Spotlight Initiative Regional Programme Caribbean and the UNCT's subregional Spotlight Initiative Country Programme, which seek to address gender-based violence (GBV) and discrimination. The Office supported fieldwork by grassroots youth and women's organizations to gather information for the Caucus of the Caribbean Community (CARICOM) Implementation Agency for Crime and Security (IMPACS) regional study on good practices in violence prevention. It also facilitated the engagement in the study of the Governments of Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines.



# **Accountability**

A1 - At least three countries (Bahamas, Grenada and Jamaica) have begun to design or have established an NHRI that complies with the Paris Principles.



OHCHR contributed to engagement regarding the establishment of NHRIs that are compliant with international standards in two Caribbean countries. UN Human Rights participated in discussions on establishing NHRIs in Guyana and in Trinidad and Tobago, however, these activities were curtailed due to the COVID-19 crisis. In both countries, the governments reiterated their commitment to creating an NHRI and requested OHCHR's support. In Trinidad and Tobago, the Government asked the RCO and the Office to support the transition of the country's Equal Opportunity Commission (EOC) into an NHRI that is fully compliant with the Paris Principles. A needs assessment was initiated, in coordination with authorities, to identify areas for technical assistance and capacity-building that will be required to realize this transition in 2021. In Guyana, OHCHR supported the Government's efforts to reform the country's constitutional commissions on ethnic relations, women and gender equality, the rights of the child, indigenous peoples and human rights. The creation of an NHRI is part of the reform initiative. OHCHR also developed guidelines on enforcing COVID-19 emergency measures that are compliant with human rights standards, which were disseminated within the Guyana Police Force.



# **Development**

D7 - UNCTs in all five Caribbean countries integrate a human rights-based approach (HRBA) into their development work.



OHCHR contributed to increasing the inclusion of human rights into UN programmes and policies.

UN Human Rights consistently engaged with UNCTs in 2020. As a result, Eastern Caribbean UNCTs enhanced their capacities to incorporate human rights into their country planning and programming documents. In Barbados, Guyana and Trinidad and Tobago, OHCHR contributed to the development of new Common Country Analyses (CCAs) by drafting human rights and sectoral analyses and facilitating consultations with civil society and other stakeholders. In addition, OHCHR supported the UNCTs in developing COVID-19 Socio-Economic Response Plans (SERPs) through the analysis of impacts on vulnerable groups and human rights.

During the year, OHCHR supported RCOs and UNCTs by drafting inputs for public messaging on human rights, including public statements for Human Rights Day and the International Day of Persons with Disabilities, as well as op-eds and other media products on the impacts of COVID-19 on vulnerable groups in the Caribbean region. OHCHR also supported the drafting of joint submissions by the Universal Periodic Review (UPR) UN subregional team in anticipation of the third cycle reviews of Saint Kitts and Nevis and Saint Lucia. This contributed to raising the awareness of UN partners on the implementation of UPR recommendations in both countries.



#### **Mechanisms**

M1 – At least four Caribbean countries (Antigua and Barbuda, Jamaica, Saint Lucia and Suriname) have established mechanisms for human rights reporting and follow-up.



The Office advocated for the creation of National Mechanisms for Reporting and Follow-up (NMRFs) on the implementation of recommendations issued by the

international human rights mechanisms, including through awareness-raising and capacity-building activities.

UN Human Rights continued to support efforts for the establishment and/ or strengthening of NMRFs in Antigua and Barbuda, Grenada, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. OHCHR organized a workshop for NMRF staff in Saint Lucia in order to advocate for the ratification of CRPD and to improve the capacities of government officials to follow up on and implement the recommendations issued by the human rights treaty bodies and during the UPR process. The workshop resulted in the adoption of a plan for drafting the upcoming State report to the UPR. Similar workshops were planned in Antigua and Barbuda and Saint Kitts and Nevis, but were cancelled due to COVID-19 travel restrictions. Finally, OHCHR supported the submission of a State Party report by Saint Kitts and Nevis to CEDAW and of a CSO report in anticipation of Saint Lucia's third UPR cycle.

#### **BOLIVIA (PLURINATIONAL STATE OF)**

Population size <sup>1</sup> 11.67 million		Human Development Index <sup>2</sup> 0.718 (rank: 107/189 in 2019)	NHRI (if applicable) <sup>3</sup> "A" Status (2017)
Type of engagen	nent	Technical mission (Other type Human Rights Adviser	e of field presence)/
Year established		2019 (technical mission)/20	18 (HRA)
Field office(s)		La Paz	
UN partnership f	ramework	United Nations Developmen Framework 2018-2022	t Assistance
Staff as of 31 De	cember 2020	8	

XB requirements 2020

#### US\$410,000

### **Key OMP pillars in 2020**









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### **PILLAR RESULTS:**



# 👃 🕹 Accountability

A2 – Strengthened national mechanisms provide redress to victims and accountability for human rights violations, including for economic and social rights.





OHCHR contributed to enhancing national mechanisms to provide redress to victims and accountability for human rights violations in the context of the October 2019 elections.

Since November 2019, a UN Human Rights technical mission has been operating in Bolivia to gather information on human rights violations and violence committed in the aftermath of the 20 October 2019 elections, OHCHR contributed to the efforts of the Government to investigate human rights violations and provided technical assistance to the

Attorney General's Office on human rights standards that apply to the use of force by security forces and investigations on violations to the rights to life and personal integrity. On 24 August, OHCHR published a report detailing the serious human rights violations that were committed between 20 October and 25 November 2019. The report made recommendations aimed at fostering the protection of human rights, preventing violations and promoting the necessary conditions for peaceful, participatory and inclusive elections. The Office also assessed the compliance of new legislation and policies with human rights standards and proposed the development of a road map to assist the State in promoting structural reforms to address the root causes of human rights violations in areas such as the independence of the judiciary, the protection of victims and witnesses and the use of pretrial detention.

In addition, OHCHR followed up on over 40 emblematic cases of human rights violations by identifying patterns, such as the excessive use of force by law enforcement officials; the use of the military in matters of public security; ill-treatment and an absence of safeguards against torture and cruel, inhuman or degrading treatment or punishment, including in cases of detention in the context of COVID-19; an excessive use of pretrial detention and violations of due process; politically motivated trials; intimidation and the persecution of journalists and political opponents; and discrimination against indigenous peoples. The Office issued recommendations in eight main areas (accountability; public order and the use of force; the justice system; persons deprived of their liberty; the NHRI; non-discrimination; civic space; and cooperation with international and regional mechanisms) and offered assistance to the authorities, in line with international standards of judicial independence and due process.

Furthermore, OHCHR supported the work of the NHRI, including its efforts to promote justice in emblematic cases of human rights violations, such as those related to the killings of protestors in the localities of Senkata and Sacaba. The Office cooperated with the Ministry of the Interior to strengthen human rights standards in detention centres and with the National Preventive Mechanism (NPM) to document cases of torture and ill-treatment and promote reparations to victims.



P1 - Laws on freedom of expression and assembly comply with international human rights standards.



OHCHR contributed to strengthening the compliance of legislation on freedom of expression and assembly with international human rights standards, including in the context of COVID-19.

As a result of UN Human Rights' advocacy, the Government of Bolivia published Decree 4236, on 14 May, which derogated provisions of Decree 4231 that limited freedom of expression in the context of COVID-19. The previous decree allowed authorities to file criminal complaints against those who failed to comply with quarantine orders or disseminated information that allegedly had the potential to put public health at risk or provoke uncertainty among the population. Given the polarized and volatile situation in the country, the legislation created additional risks of public unrest. OHCHR issued public messages, conducted advocacy meetings and sent a technical document to authorities that highlighted the incompatibility of Decree 4231 with the right to freedom of expression, provided in article 19 of ICCPR, due to its violation of the principles of necessity, proportionality and legality.

In addition, the Office engaged with several authorities to foster civic and democratic space. It deployed teams in different departments to monitor the human rights situation in the pre-electoral, electoral and post-electoral phases. It cooperated with the National Electoral Tribunal and held several meetings with the Departmental Electoral Tribunals of La Paz, Chuquisaca, Potosí, Oruro, Tarija,

Cochabamba and Santa Cruz to promote the political rights of indigenous peoples, advocate for updating electoral registers, including in prisons, and monitor cases of political violence against women. In particular, OHCHR referred to the special indigenous constituency and noted that electoral information should be available in indigenous languages. This resulted in actions to update electoral registers (for instance, in the Santo Domingo Cantumarca prison, Potosi) and to adopt protocols to follow up on and punish cases of political violence against women in the context of subnational elections (in Chuquisaca).



# **Non-discrimination**

ND1 - Discrimination and gender equality laws comply with international human rights standards.



OHCHR contributed to enhancing the compliance of regulations and practices with international human rights standards by advocating for the rights of LGBTI persons, persons deprived of their liberty and indigenous peoples.

UN Human Rights' comprehensive advocacy efforts with authorities in Bolivia contributed to the first registration of a civil union of a gay couple. Through private advocacy and public messages, OHCHR shared international standards with relevant authorities and strongly encouraged them to take this landmark step. The Office directly supported rights-holders and CSOs that advocate for their rights, including by delivering training workshops on strategic litigation and engagement with the international human rights mechanisms.

OHCHR produced an analysis of the human rights situation of indigenous peoples during the COVID-19 pandemic. It provided recommendations to guarantee certain rights, such as the right to health from an intercultural perspective. The UNCT's Human Rights Group, led by OHCHR, supported State authorities through providing a technical review of the impacts of COVID-19 response plans on indigenous peoples and persons deprived of their liberty.

Furthermore, the Office supported the RCO in the process of integrating human rights into the UNCT SERP in relation to COVID-19. The SERP in Bolivia was recognized by the United Nations Sustainable Development Group (UNSDG) Task Team on Leaving No One Behind and Human Rights as a good example of a SERP that makes interlinkages between the recommendations issued by the international human rights mechanisms and interventions proposed by the UN to build back better.

ND6 - The human rights of all migrants, particularly those in vulnerable situations, are protected.







OHCHR contributed to protecting the rights of migrants in COVID-19 quarantine camps.

On 25 March, the Government ordered a lockdown, coupled with border closings, as an emergency measure to contain the spread of COVID-19. The thousands of Bolivians who were working in bordering countries were left struggling to find ways to return home. UN Human Rights deployed a team to monitor the conditions and treatment of migrants in the quarantine camp, Tata Santiago,

at the border with Chile. Nearly 1,000 people, including children, indigenous peoples and persons with disabilities, were housed in 66 tents. Through its presence and technical assistance, OHCHR maintained direct channels of communication with migrants and contributed to enhancing the application of an HRBA to assistance provided by organizations, such as IOM, while strengthening the protection of migrants' rights. The Office also monitored the situations of migrants returning from Argentina, Brazil and Peru, including in camps and isolation centres, such as hotels.



# **Peace and Security**

PS3 - Strategies to prevent and respond to conflict consistently integrate human rights protection.



OHCHR contributed to enhancing the integration of human rights protection into efforts to prevent unrest and conflict in the context of elections.

As part of the UN system's Peace Consolidation Initiative for Bolivia, UN Human Rights monitored the human rights situation in the context of the electoral process of 18 October. OHCHR alerted the international community about a series of incidents of discriminatory speech and violence in the pre-electoral phase and deployed teams to six departments of the country to monitor and report on the situation during the pre-electoral, electoral and post-electoral phases. OHCHR's work, presence and engagement with authorities and social and political actors contributed to a peaceful and credible electoral process, without major incidents of violence.



M2 - CSOs regularly report to UN mechanisms, participate in sessions, including through the use of technology, and use concluding observations and reports for advocacy and follow-up purposes.







OHCHR provided support to the NHRI, CSOs and UN entities in the development of substantive submissions to the international human rights mechanisms and in following up on their recommendations.

Through the UNCT's Human Rights Group, UN Human Rights supported the development of UN joint submissions to CEDAW and CRC. The Office continued to share information with CSOs and the NHRI on the international human rights mechanisms, resulting in submissions from CSO coalitions to CAT, CEDAW and CRC. In addition, OHCHR supported and disseminated a publication of UPR recommendations issued in relation to Bolivia, with accompanying statistical information. It also produced an informative brochure on the functioning of the human rights treaty bodies, with links to their recommendations issued in relation to Bolivia.

Furthermore, the Office, UNIC and UNV co-organized a digital campaign to commemorate the seventy-fifth anniversary of the Universal Declaration of Human Rights. This included the design of promotional materials and the delivery of messages by UNCT representatives. OHCHR encouraged State institutions, CSOs, the NHRI, donors and the private sector to join the campaign, which reached 18,275 users on Facebook and 22,021 users on Twitter.

#### **CENTRAL AMERICA**

Type of engagement	Regional Office
Countries of engagement	Belize, Costa Rica, Dominican Republic, El Salvador, Nicaragua and Panama
Year established	2007
Field office(s)	Panama City, Panama
Staff as of 31 December 2020	17
XB income	US\$1,671,464
XB requirements 2020	US\$3,170,000
XB expenditure	US\$783,954
Personnel	Non-personnel PSC <sup>4</sup>
80%	8% 11%
\$630,421	<b>\$63,500</b> \$90,033
RB expenditure	US\$984,952
Personnel	Non-personne
03%	7%

### **PILLAR RESULTS:**

Key OMP pillars in 2020



\$916,267

# Accountability

A1 – A mobile monitoring team has been established that strengthens OHCHR's capacity to gather information on the human rights situation in countries of the region and report on cases and situations. Its work enables the international community to make more effective representations to governments on a wide range of concerns.



OHCHR contributed to enhancing efforts by local and international actors

to monitor and address human rights situations in the region and liaise with governments.

\$68.683

In El Salvador, OHCHR supported a network of national and international CSOs working on sexual and reproductive rights to present a habeas corpus before the Constitutional Chamber of the Supreme Court of Justice in favour of 14 women imprisoned for obstetric emergencies. In this context, OHCHR provided technical advice to the Procuraduría para la Defensa de los Derechos Humanos (PDDH, the NHRI), which submitted an amicus curiae in relation to the women's cases to propose the adoption of precautionary measures, including enhanced health and hygiene conditions in the context of

COVID-19. As a result, the Constitutional Chamber ordered a review of the cases and an improvement of sanitary conditions in prisons. Following this decision, one of the women was granted early parole and another woman's sentence was commuted.

In the context of COVID-19, UNODC requested support from OHCHR to prevent outbreaks of violence in prisons, including through training prison officials on the treatment of persons deprived of their liberty, in accordance with international human rights standards. The Office also worked with PDDH to design a methodology for monitoring the situation of detainees in containment centres. In addition, it provided advice on the adoption of mechanisms to monitor the situation in prisons when the pandemic began, particularly as the verification protocols of monitors were restricted to prevent the spread of the virus.

Furthermore, progress was achieved in one of the most emblematic transitional justice cases in El Salvador (El Mozote massacre) after an Inter-American Court of Human Rights handed down a judgment and the Constitutional Chamber overturned an amnesty law. OHCHR issued public statements to support compliance with a judicial order to search the military archives and seize relevant information following the stigmatization of the presiding judge by military and civilian authorities.

The Office participated in a hearing of the Inter-American Commission on Human Rights (IACHR) through the submission of a written statement on public/citizen security and increasing militarization in El Salvador. The Office participated in follow-up activities and contributed to a report by PDDH on extrajudicial executions committed during the past seven years.

<sup>&</sup>lt;sup>4</sup> Please refer to Data sources and notes on p. 231



P5 - Governments and other relevant institutions have taken effective steps to protect HRDs and the human rights situation and their security is more closely monitored.



OHCHR contributed to regional efforts to improve the situation of HRDs, including through remote monitoring.

UN Human Rights continued supporting the joint mechanism on HRDs that was established in cooperation with the IACHR. The two entities organized a webinar to discuss experiences, good practices and lessons learned in relation to the protection of HRDs and included the participation of regional protection mechanisms. A virtual consultation with CSOs was convened to exchange information on the protection needs of HRDs. The Office supported the work of CSOs to monitor, document and report human rights violations to the UN and Inter-American systems. In December, a meeting was held with the leading women human rights defenders (WHRDs) in Central America, to discuss integral protection measures. More specifically, the threats faced by WHRDs are often sexual in nature. As a result, they have different protection needs, including for psychological counseling and protection measures for their children, who are often included in the threats.

In Costa Rica, the Office assisted the judiciary to move forward with the preparation of a protocol for investigating human rights violations against HRDs. OHCHR held a meeting with magistrates of the Supreme Court of Justice to discuss their international obligations in investigations. OHCHR also supported the adoption of a comprehensive protection policy that includes opportunities for participation, early warning, the provision of training to State agents and overall guidelines on crimes committed against HRDs. The judiciary asked the Office to provide assistance on issues related to the investigation of cases.

In El Salvador, OHCHR facilitated spaces for dialogue with HRDs and journalists to analyse the conditions and context for the enjoyment of rights, including freedom of expression. OHCHR organized a virtual training for journalists on international human rights mechanisms and how to submit complaints related to the rights to freedom of expression and opinion. In addition, OHCHR provided technical advice on the process of drafting and discussing the Law for the Protection of Human Rights Defenders with the aim of incorporating international human rights standards, in line with the recommendations issued by the Special Rapporteur on the situation of human rights defenders. The discussions were postponed due to the pandemic. OHCHR also endorsed a campaign on HRDs that included videos of HRDs and activists speaking about their work, which were distributed through social media platforms. Moreover, OHCHR supported the implementation of two awareness-raising campaigns on the Escazú Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.



ND6 - Official migration policies and programmes recognize the need to protect the human rights of migrants, especially those who are in situations of vulnerability.





OHCHR supported the enhanced integration of the rights of migrants into policies and legislation through awareness-raising and training.

UN Human Rights supported the capacity-development of a network of CSOs to monitor the human rights situation of migrants in the region. It provided technical assistance through webinars on various topics, including monitoring and documenting human rights violations, creating a database on cases and integrating recommendations issued by the international human rights mechanisms. This resulted in the production of the first report by the Regional Network of Civil Organizations for Migration on migration and human rights in the context of COVID-19 in the Central America region. OHCHR helped to design a methodology for gathering and analysing the data. CSOs disseminated the report to State authorities in Costa Rica, El Salvador, Guatemala, Honduras and Panama. In addition, the Network presented the report's findings and recommendations at a regional conference on migration with Vice-Ministers of the Interior. The report will be widely disseminated in 2021. OHCHR coordinated the work of CSOs working on migration issues in Costa Rica, El Salvador and Panama, which joined forces with organizations from Guatemala, Honduras and Mexico to monitor the impacts of the pandemic on highly vulnerable migrant populations. Three joint public statements were subsequently issued.

The Office conducted online training to enhance the monitoring, documenting and reporting capacities of the NHRI in Panama, with a focus on the application by migration officers of OHCHR's guidelines on the rights of migrants in the context of COVID-19. The training touched on the Recommended Principles and Guidelines on Human Rights at International Borders, which urge prioritizing the protection and humanitarian needs of migrants over security concerns. In addition, the Office prepared a guide to support the NHRI in monitoring the situation of undocumented migrants at the border through guidelines on conducting interviews, writing reports and the application of international human rights recommendations in advocacy strategies. The Office also assisted the NHRI in producing its first thematic report on the rights of migrants in the context of COVID-19, which will be finalized at the beginning of 2021. The report provides evidence of human rights violations and makes recommendations on how to meet the humanitarian and protection needs of more than 2,500 irregular extra-continental migrants who are stranded at Panama's borders with Colombia and Costa Rica.

With OHCHR's support, the NHRI liaised with the Inter-American Court of Human Rights and provided information on the situation of migrants in the Darien migrant centres, including in relation to health care, access to food, water, sanitation and due process. Provisional protection measures were requested and the NHRI made an oral presentation to the Court during a public hearing, with support from OHCHR.

OHCHR fostered the NHRI's engagement with the Global Migration Group (GMG), resulting in a more coordinated response from State institutions. Following OHCHR's meetings with various government entities, agreements were reached on how to improve migrant protection, for instance by sending doctors to the borders, increasing food rations, improving sanitary measures and moving migrants to a new temporary centre to reduce overcrowding.

The Office also prevented the involuntary return of 290 Haitian migrants, who were at the border with Costa Rica, on the basis that it would violate the principles of voluntary repatriation, security and non-refoulement. OHCHR and the NHRI met with the Director of the National Migration Service to discuss the fact that the forcible return of the migrants could amount to a human rights violation. Many of the migrants had been residents in Panama for more than 10 years and had children who were born in the region.

# **Peace and Security**

PS5 – The Regional Office increased its capacity to gather, analyse and manage information relevant to early warning, advocacy and response to critical situations of violence and insecurity. As a result, it contributed significantly to key regional and national processes and discussions. Relevant security institutions receive political and technical advice enabling them to protect citizens' security in compliance with international human rights standards.



OHCHR contributed to raising alerts concerning the non-compliance of laws, policies and practices of State institutions and authorities with international human rights standards.

UN Human Rights in Nicaragua issued early warning alerts, primarily through Twitter, with regard to the non-compliance of legislative reforms with international standards. The alerts were shared by the media and civil society and focused on various pieces of legislation that could potentially infringe on human rights, including a law on cybercrimes that could violate the right to freedom of expression and a Foreign Agents Law that could violate the rights to freedom of association, expression and the free exercise of political rights, particularly of CSOs. Other alerts referred to threats and assaults experienced by journalists who were critical of the Government and the arbitrary dismissal of medical personnel who had criticized the Government's response to the pandemic. Joint press releases were disseminated by special procedures mandate holders and the IACHR's Special Rapporteur on freedom of expression. In addition, support was given to the drafting of the High Commissioner's oral updates to the HRC, in February, July and September. At the end of the March Council session, a new resolution on Nicaragua was adopted.



M2 - CSOs, NHRIs and UNCTs increased the number of contributions they submit to the international human rights mechanisms by at least 25 per cent.



OHCHR supported the submission of substantive reports to the international human rights mechanisms by State authorities, NHRIs, CSOs and UN entities.

UN Human Rights in Belize engaged with CSOs and the Government to strengthen their reporting capacity, in particular with the Ministry of Foreign Affairs (MoFA), and to discuss coordination mechanisms. The Office facilitated an online discussion between indigenous leaders and the UNCT to discuss the impact of the pandemic on their communities. The HRA provided reporting assistance as requested. Moreover, technical assistance was offered to the MoFA in relation to ratification processes, including recent regional conventions such as the Escazu Agreement. The HRA provided support for the drafting of the State Party report to CAT.

In Costa Rica, the Office provided recommendations to the RCO, the UNCT and the Foreign Ministry's Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations, based on a survey that identified potential areas of engagement. The Office supported the Commission to promote civil society participation, however, activities were suspended due to the pandemic.

In Nicaragua, the Office facilitated the submission of CSO alternative reports and inputs to CEDAW, the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Training sessions were carried out with the Comisión Permanente de Derechos Humanos (CPDH) and the Réseau Internacional des Droits Humains (RIDH) on reporting to the international human rights mechanisms.

Finally, the Office supported the UNCTs in El Salvador and Panama to mainstream human rights into their CCAs, Cooperation Frameworks and other strategic planning tools, including by providing training.

# **Ending the criminalization of abortion in El Salvador**

"The change from a life in prison has been a great contrast between joy and sadness. Joy because I am with my family now, but sadness because I am facing major challenges, such as getting a job, supporting my son and continuing my studies. Perhaps the biggest change has been my health. As soon as I was released, my health became more balanced," said Cindy Erazo.

In September, Cindy became the first woman to be released from prison following the ruling of the Constitutional Chamber of El Salvador's Supreme Court on a habeas corpus in favour of 14 women who were charged and sentenced under the country's strict anti-abortion laws after experiencing miscarriages, stillbirths and other obstetric emergencies.

The habeas corpus was filed as part of a legal strategy developed by a group of national and international organizations, together with the NHRI, to guarantee the right to health of detained women in the context of COVID-19. In addition, it aimed to protect the rights to freedom and a fair trial of the women convicted of aggravated homicide after suffering spontaneous abortions and obstetric emergencies.

UN Human Rights supported the elaboration of the strategy and provided technical advice on the obligations of States to implement measures to protect human rights in prisons within the context of the pandemic. The strategy also proposed increased engagement with the international human rights mechanisms, in particular the Working Group

Demonstration in the capital city of El Salvador in support of women's human rights. O Idalia Salguero

on discrimination against women and girls. This resulted in a communication that was sent to the Government by the Working Group and three other mandates, requesting information on progress made in decriminalizing abortion and any measures adopted for the release of arbitrarily detained women, emphasizing the context of the pandemic.

UN Human Rights undertook sustained advocacy efforts regarding the decriminalization of abortion in El Salvador, in line with UPR recommendations. More specifically, it identified a systematic pattern of discrimination against women in the country, as manifested by the dissemination of harmful gender stereotypes in State institutions that are responsible for providing assistance to women who face obstetric emergencies.

Cindy, who is the mother of a 10-year-old boy, was initially sentenced to 30 years in prison after experiencing an obstetric emergency during her eighth month of pregnancy that resulted in a stillbirth. She was accused of attempting to end the pregnancy and charged with aggravated homicide. A year after her conviction, the sentence was reduced to 10 years of imprisonment.

At the end of December, the Citizen's Group for the Decriminalization of Abortion had registered 21 cases of women deprived of their liberty for crimes related to obstetric emergencies, including eight new cases in 2019-2020. With ongoing support from UN Human Rights and other stakeholders, CSOs continue to provide legal support to women in this context. As of December, they have secured the liberation of 44 women.

#### **COLOMBIA**

<b>Population size</b> <sup>1</sup> 50.88 million	Surface area <sup>1</sup> 1,142,000 km <sup>2</sup>	•	NHRI (if applicable) <sup>3</sup> "A" Status (2017)
Type of engagen	nent	Country Office	
Year established		1997	
Field office(s)		Bogotá, with field presences Barranquilla, Cali, Cúcuta, N Pasto and Villavicencio	
UN partnership f	ramework	United Nations Sustainable C Cooperation Framework 202	
Staff as of 31 De	cember 2020	63	
XB income		US\$9,572,507	
XB requirements	2020	US\$12,587,000	
XB expenditure		US\$7,610,687	DCC4
Personnel 73%		16	on-personnel PSC <sup>4</sup> % 11%
\$5,547,030		\$1,	190,374 \$873,283

**Key OMP pillars in 2020** 







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### **PILLAR RESULTS:**



D2 - The National Action Plan on Business and Human Rights (PNA) is fully implemented. The institutions responsible for economic and investment policies and for departments, districts and municipalities, including indigenous areas, are more fully engaged.



OHCHR contributed to improving the compliance of State institutions and programmes with the United Nations Guiding Principles on Business and Human Rights (UNGPs) and other international human rights standards.

In December, the Presidential Council on Human Rights (PCHR) approved the second PNA. UN Human Rights provided technical assistance during the formulation process, including on methods for ensuring the broad participation of stakeholders. With OHCHR's support, the PCHR organized dialogue spaces with unions, business associations and academia. It did not consult with CSOs, however, which criticized the Government's lack of transparency and

unwillingness to share the text during the drafting process. Many of OHCHR's comments on the drafts were addressed, with the exception of those relating to ensuring the full participation of civil society. A baseline on business and human rights was successfully included in the PNA, which OHCHR developed with two universities in Bogotá (Universidad Iaveriana and Universidad del Rosario). This important initiative will raise the visibility of the impact of business operations on human rights and the Office will support the process during the implementation phase.

In addition, OHCHR worked with the PCHR to promote the UNGPs. More specifically, it provided technical assistance to develop 24 programmes entitled "Juntos lo hacemos possible," one of which included the participation of the OHCHR representative in Colombia and the President of Colombia. Over the year, the programmes were viewed up to 20,000 times. Information on human rights, the UNGPs and the human rights impacts of COVID-19 was disseminated on Facebook Live and Twitter. Furthermore, the Office promoted the participation of the PCHR, the Ministry of Labour, the Office of the Ombudsperson, the judicial branch, CSOs, universities and think tanks in the 2020 UN Forum on Business and Human Rights, which was held virtually.

With regard to Human Rights Due Diligence Policies (HRDDPs), OHCHR provided technical assistance to the Mining and Energy Planning Unit (UPME) to design a tool for mapping human rights risks in the mining and energy sectors. The Office also offered expert advice to introduce human rightsbased approaches and the UNGPs into the contextual analyses undertaken by

the Mining and Energy Committee in relation to 70 companies, including two business associations.

D4 – The policies and programmes of the comprehensive health assistance system (MIAS) and the comprehensive indigenous intercultural health system (SISPI) increasingly comply with international human rights standards.



OHCHR continued to support the Government to increase the compliance with international human rights standards of the Comprehensive Territorial Care Model (MAITE) and SISPI health models, including through technical advice and advocacy efforts.

UN Human Rights continued to monitor the implementation of the MAITE and SISPI health models and document challenges that were exacerbated by the COVID-19 pandemic. The Office sent a letter to the Vice-Minister of Health to express its concerns about the deterioration of the working conditions of health-care personnel and to propose solutions. The Government recognized that the health system was unprepared for a health emergency and allocated additional resources to increase the capacity of hospitals in several departments. OHCHR observed that disparities related to the availability, accessibility, acceptability and affordability of health services continued to primarily affect low-income populations, women and rural inhabitants. For instance, the indigenous communities in Amazonas, Arauca and Norte de Santander did not have access to health services. OHCHR advocated for a revision of the protocol for handling the bodies of indigenous persons presumed

to have died of COVID-19, including through the creation of technical round-tables to review the protocol and ensure its alignment with international human rights standards. This resulted in the adoption of a new protocol by the Ministry of Social Security and Health.

In January, five Wounaan indigenous children in Chocó died of diarrhoea and acute respiratory diseases related to sanitation problems and malnutrition. OHCHR organized two dialogue spaces with WHO, the Ministry of Health and departmental authorities to discuss the right to health situation in Chocó and develop recommendations for authorities. The Office also held meetings with representatives of the governor's offices in Amazonas and Caquetá, indigenous authorities and the Ministry of the Interior to strengthen SISPI coordination mechanisms. It provided technical assistance to the indigenous health liaisons in Caquetá to promote the application of a human rights-based approach to health services in the context of COVID-19. In Amazonas, OHCHR helped to advance coordination efforts between the Hospital of Leticia and the Health Promotion Entity (EPS), resulting in improved services for patients in Araracuara. Finally, the Office reached an agreement with the Ministry of Health to implement a plan to guarantee the right to health for women victims of sexual violence and enforced disappearance in Vista Hermosa, Meta.



# **Participation**

P2 – Institutions that are responsible for the protection of HRDs investigate and prosecute crimes against HRDs that are brought to their attention by OHCHR.



Relevant actors positively addressed human rights violations faced by HRDs that were identified by OHCHR and other stakeholders.

Throughout the year, UN Human Rights field presences in Colombia coordinated their work with the Office of the Ombudsperson, leading to the issuance of 50 early warnings - almost one per week - concerning attacks against HRDs. Although ensuring an integral response by State authorities was challenging, OHCHR maintained its advocacy efforts with the Ministry of the Interior, which serves as the technical secretary of the Intersectoral Commission for Rapid Response to Early Alerts (CIPRAT). The enhanced collaboration between State control entities, including the Office of the Procurator General (OPG) and the Office of the Ombudsperson, was a positive development in 2020. This resulted in a strengthened analysis of early warning responses and the promotion of coordinated actions by authorities. OHCHR provided technical assistance to ensure the compliance of these processes with international human rights standards and strengthened the capacities of the National Guarantees Round-Table, a mechanism that enables HRDs and their organizations to participate in early warning mechanisms and promote more effective State responses.

The Office of the Attorney General continued to apply Directive No. 002, which provides guidelines for the investigation

of crimes committed against HRDs. It assigned staff members to investigate and follow up on specific cases, with technical support from OHCHR. The Office cooperated with Chemonics to develop and deliver a training course to prosecutors, investigators and forensic scientists on the investigation of crimes against HRDs. In addition, it developed a training programme for prosecutors and crime scene investigators that will be delivered in 2021.

The Ministry of the Interior's National Protection Unit (UNP) continued to respond to the high demand for individual protection measures. The Committee for Risk Assessment and Recommendation of Measures (CERREM) analysed close to 500 requests for individual protection per month, illustrating the level of threats in the country and their impact on human rights. In August, approximately 7,200 persons were in need of protection measures and the Government increased the Unit's budget. OHCHR monitored the implementation of protection measures and follow-up on issues of concern with relevant institutions. The Office also provided expert advice on the process of making collective protection measures available.

CSOs and HRDs continued to express their concerns about the stigmatization they experienced and the situations of violence they faced. Despite COVID-19 lockdown measures, OHCHR focused on building their capacities to participate in protection mechanisms, including the local Guarantees Round-Tables, and to request individual and collective protection measures. The Office strengthened its cooperation with the Fundación para la Libertad de Prensa and collaborated with several embassies to raise awareness about the human rights situation of

HRDs, including journalists and communicators covering social protests.

P6 – Victims, indigenous peoples and women participate more fully in decisions that concern them.



OHCHR strengthened spaces for the meaningful participation of rights-holders, especially victims, ethnic groups, women and LGBTI persons, in various public processes through advocacy, technical assistance and capacity-building.

In the context of COVID-19, UN Human Rights strengthened its coordination efforts with the NHRI, HRDs, CSOs and community-based organizations. It helped to create spaces for participation and provided technical advice for the collection of first-hand information on the human rights situation across the country. With the agreement of donors, travel funds were redeployed to guarantee good communication with key field counterparts and implement public information activities. The Office worked with its partners to identify human rights concerns in the context of COVID-19. It supported the development of risk assessment methodologies and the design of self-protection measures and collective protection guidelines. This resulted in the increased participation of HRDs, victims and CSOs in the design of relevant public policy decisions.

OHCHR continued to provide technical assistance to CSOs, victims and their families to increase their capacity to participate in the transitional justice mechanisms of the Comprehensive System of Truth, Justice, Reparation and Non-Recurrence (SIVJRNR). In particular, the Office

provided technical assistance in six sessions to the Observatorio Surcolombiano de Derechos Humanos, Paz y Territorio (OBSURDH) to consolidate its legal strategy and support the preparation of four reports to the SIVJRNR.

OHCHR delivered four training sessions to the Fuerza de Mujeres Wayuú (La Guajira) to prepare a report on the impact of the armed conflict on the Wayúu people for the Commission for the Clarification of Truth, Coexistence and Non-Recurrence (Comisión para el Esclarecimiento de la Verdad) (CEV)). Furthermore, the Office contributed to the implementation of a strategy on adopting a differentiated State approach to protect the rights of indigenous peoples. In particular, OHCHR helped to design human rights-based indicators with indigenous leaders. It also supported the use of human rights-based protocols that were developed with indigenous authorities and the Ministry of the Interior to facilitate the implementation of the peace agreement in the territories of indigenous peoples and communities of people of African descent, such as the Nasa people, Renacer Negro Community Council, the Greater Community Council of the Comprehensive Farmers' Association of Atrato and the Bari people.

By conducting 17 training workshops on ESCRs, the Declaration on the Rights of Peasants and international mechanisms related to women's rights and sexual and gender-based violence (SGBV), the Office enhanced the knowledge and capacities of 170 women from 35 organizations in the departments of Guaviare, Nariño, Bolívar, Huila and Meta and of 62 HRDs (36 women, 26 men) from the HRD networks in Sur de Bolívar and Arauca. In addition, advocacy efforts by OHCHR in the International Cooperation Gender

Round-Table resulted in a commitment from the Presidential Council for Women's Equity (CPEM) to promote the participation of women's organizations in the action plan to implement Security Council resolution 1325 on women, peace and security.

In the context of the implementation of a project in Vista Hermosa (Meta) that was supported by the United Nations Peacebuilding Fund (PBF), UN Women and OHCHR worked with 529 women and young victims of sexual violence. enforced disappearance and forced displacement to identify challenges in gaining access to the SIVJRNR and to develop proposals to improve the municipality's response to gender-based violence in the context of the armed conflict. The project resulted in the creation of protective environments, with a focus on ESCRs, to guarantee access to transitional justice mechanisms.

Finally, the Office conducted training workshops on international human rights standards related to gender and sexual orientation for 115 participants from 11 LGBTI organizations in Nariño, Chocó, Cesar, Antioquia, Córdoba, La Guajira and Magdalena. In 2020, the Ministry of the Interior presented its action plan for LGBTI sectors, with the participation of 21 government institutions. The action plan includes the establishment of an entity to monitor policy implementation. Its regulation will be agreed upon by the LGBTI sectors and the Government in 2021.

P1 - Relevant regional, national and local institutions apply a human rights-based approach to public policies and programmes related to the implementation of the Peace Accords and emphasize participation and accountability.



OHCHR continued to support the enhanced compliance with international human rights standards of the policies of national and local institutions through technical assistance, guidance and monitoring activities.

At the request of the Office of the Presidential Advisor on Human Rights and CSOs, UN Human Rights provided technical assistance on mainstreaming human rights into the development of the Colombian Action Plan on Human Rights, which was initiated in 2018. The Office also worked with the Public Ministry to identify gaps in the effective enjoyment of human rights and facilitated spaces for dialogue around issues of concern. For instance, in the Pacific region, at least 17 documented cases of human rights violations were brought to the attention of national authorities. The change of minister and senior staff in the Ministry of the Interior inhibited progress in the adoption of regulations on the protection of HRDs, however, OHCHR continued to engage with the Ministry. The PCHR Director changed in early 2020 and OHCHR conducted capacity-building activities with new staff members, in particular around policies to address attacks against HRDs.

The Office closely followed social protests and mobilizations and maintained contact with the parties involved in the protests. More specifically, OHCHR monitored the application of the right to freedom to peaceful assembly and facilitated the creation of spaces for social dialogue to

discuss human rights standards in relation to the use of force and to address the demands of protesters, thereby providing opportunities to build trust between the parties. Due to the pandemic, there was limited community participation in the formulation of municipal development plans, particularly in rural areas. The Office provided virtual assistance to increase the capacities of public officials to incorporate human rights into public policies that are designed to protect civilians and HRDs and assisted mayor's offices to create or update their respective contingency plans to address the human rights impacts of COVID-19.



PS4 - Transitional justice mechanisms increase accountability for conflict-related violations of international human rights law and international humanitarian law.



OHCHR contributed to strengthening the capacity of transitional justice mechanisms to incorporate international standards on victims' participation into their rules of procedures.

Despite the pandemic, the SIVJRNR continued to carry out a significant number of activities during the year. UN Human Rights regularly met with the Heads of the institutions that comprise the SIVJRNR to discuss progress and challenges and facilitate political dialogue with other institutional sectors. OHCHR continued to provide support to the Special Jurisdiction for Peace (JEP) and enhance its capacity to respond to the demands of victims of serious human rights violations, in particular in relation to Case No. 003 on the extrajudicial killings by the Colombian Army of civilians

presented as combatants killed in combat. The Office also monitored the requests for the implementation of precautionary measures to protect the San Antonio Buenaventura Valle del Cauca estuary. It provided assistance to the JEP to increase its understanding of the need to protect the site from dredging operations as it is presumed to be the location of the bodies of disappeared persons.

In addition, OHCHR worked closely with the CEV to reinforce its investigation lines regarding extrajudicial executions and enhance spaces for the participation of victims in the regions most affected by the conflict. The Office helped to organize acknowledgement sessions on the damages caused to indigenous peoples and communities of people of African descent in the context of the armed conflict; dialogues on non-recurrence with elder persons, conscientious objectors, community leaders and youth; and collective and individual interviews between victims and the CEV. In Buenaventura, the dialogues resulted in the composition of a song by urban and rural vouth that articulates their demands for non-recurrence.

OHCHR provided support to the Special Unit on the Search for Persons Deemed as Missing in the Context of the Armed Conflict (UBPD), including by assisting with the design of tools to identify unidentified bodies and guaranteeing material security conditions for UBPD staff. It also took steps to increase the capacities of CSOs to engage with the UBPD Advisory Board. Further, the Office enhanced the recognition of the families of victims during the commemoration of the International Day of the Victims of Enforced Disappearances.

PS3 - The Ministry of the Interior, the Ministry of Defence, the General Command of Military Forces, the National Police, the Procurator General's Office and the Office of the Ombudsperson act to prevent human rights violations and enhance their responses when human rights violations occur.

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OHCHR contributed to the incorporation of international human rights standards into the directives, policies and practices of the military and police forces.

UN Human Rights agreed with the Office of the Attorney General and the Office of the Procurator General that documented cases of alleged human rights violations committed by members of the army and the police should be transferred to special units to promote the criminal and disciplinary investigations of those cases. In the context of the coordination measures set out in Directive No. 13 of the Ministry of Defence, the Office and the Ministry discussed the organization of local Guarantees Round-Tables to address human rights violations committed by the army and the police.

OHCHR provided technical assistance to increase the investigative capacity of the Delegate Inspectors of the Army and National Police to address cases of alleged extrajudicial executions. This resulted in the application of the Minnesota Protocol for investigative processes in relation to 30 cases that were documented by OHCHR in 2020.

Finally, the Office facilitated enhanced coordination between the Delegate Procurator on Human Rights and the Delegate on Public Security Forces. This enabled the Delegate Procurator on Human Rights to exercise preferential

jurisdiction on cases of alleged human rights violations, including those documented by OHCHR, while the Delegate on Public Security Forces exercised administrative oversight.

#### **GUATEMALA**

Population size <sup>1</sup> 17.92 million	Surface area <sup>1</sup> 109,000 km <sup>2</sup>	Human Development Index <sup>2</sup> NHRI (if applicable) <sup>3</sup> 0.663 (rank: 127/189 in 2019) "A" Status (2018)
Type of engagen	nent	Country Office
Year established		2005
Field office(s)		Guatemala City
	· · · · · · · · · · · · · · · · · · ·	United Nations Sustainable Development
UN partnership f	ramework	Cooperation Framework 2020-2024
UN partnership t  Staff as of 31 De		Cooperation Framework 2020-2024 33
Staff as of 31 De		
	cember 2020	33
Staff as of 31 De  XB income  XB requirements	cember 2020	US\$5,286,218
Staff as of 31 De  XB income  XB requirements  XB expenditure  Personnel	cember 2020	US\$5,286,218 US\$7,303,000
XB income XB requirements XB expenditure	cember 2020	U\$\$5,286,218 U\$\$7,303,000 U\$\$5,182,059

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### **PILLAR RESULTS:**



## **Participation**

P2 – Institutional mechanisms to protect HRDs are robust, comply with international standards and are appropriately sensitive to gender and culture.



OHCHR contributed to strengthening the compliance of oversight, accountability and protection mechanisms with international human rights standards, including those aimed at protecting HRDs and journalists.

In 2020, UN Human Rights documented 68 cases of criminalization, attacks and/ or threats against HRDs, including four attacks against young HRDs and the killing of two members of the Peasant Development Committee (CODECA). CSOs expressed concern that COVID-19 and the consequential declaration of several "states of prevention/siege" was used to hinder the work of HRDs. In the context of the pandemic, OHCHR documented patterns of human rights violations in relation to freedom of expression and access to information. In particular, the Office monitored 25 cases wherein State authorities or other stakeholders limited the realization of these rights for journalists and citizens.

To enhance the protection of HRDs and journalists, the Office exchanged information with national, regional and international human rights mechanisms, including the NHRI, the IACHR Special Rapporteur for freedom of expression and the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association, the promotion and protection of the right to freedom of opinion and expression and on the situation of HRDs. OHCHR liaised with the Office of the Attorney General's Human Rights Department, the NHRI and CSOs to process complaints regarding HRDs and journalists. In addition, the Office strengthened networks for the protection of journalists and HRDs by creating dedicated spaces to exchange information and good practices on freedom of expression. Furthermore, it provided assistance to enhance the capacities of the Secretariat of Planning and Programming of the Presidency (SEGEPLAN) and the Presidential Commission on Human Rights (COPREDEH), which was replaced by the Presidential Commission for Peace and Human Rights (COPADEH) on 31 July.

The Office supported youth-led organizations that promote positive human rights change. It disseminated guidelines on the right to participation and civic space promotion across 18 organizations. It also hosted a regional meeting with youth leaders from 11 organizations in the eastern part of Guatemala, resulting in the establishment of the Connected Youth initiative ("Juventud Conectadas)." Similarly, the Office supported the creation of the Youth Human Rights Defenders Network, which unites 26 organizations and offers a space for dialogue and technical assistance on the human rights of youth, with a focus on participation and the right to education and work. Moreover, the

Office facilitated meetings of the National Youth Council (CONJUVE) to discuss the revised national youth policy. The Office and UNODC co-organized a webinar on risks in the digital space ("Let's talk about sexting") to discuss avenues for enhancing digital security and available mechanisms when sexual rights are violated on the Internet. It also collaborated with 12 youth organizations to deliver four webinars on the impacts of COVID-19 on youth rights.

OHCHR pursued efforts to raise awareness about violence against women, with a focus on prevention during the pandemic. The Office organized a three-session webinar entitled "Men under confinement," during which 30 men of diverse ages, backgrounds and geographic location discussed the concept of 'masculinity' from a gender-based perspective. Another webinar on intersectionality and violence against women was moderated by a member of the Committee of Experts of the Follow-Up Mechanism of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (MESECVI). In cooperation with other field presences from the region, two webinars were organized for 89 participants to enable CSOs and State institutions to discuss challenges in tackling violence against women during the pandemic, with a focus on telephone hotlines.



A1 - The Attorney General's Office (AGO), the Public Defence Institute, the judiciary, the Constitutional Court, the Congress and State institutions increasingly integrate human rights standards into their policies and decisions. National and international CSOs, Congress and other actors advocate for the abolition of the death penalty and the ratification of ICCPR-OP2.



OHCHR contributed to improving the compliance of five State institutions with international human rights norms and standards.

UN Human Rights provided technical assistance to State institutions of the justice system and other stakeholders. More specifically, it updated a guidance document on mainstreaming gender and human rights into rulings related to violence against women and femicide. Targeted training was delivered to criminal judges, judges from the specialized branch on femicide and violence against women, legal clerks of the Constitutional Court, teachers from the School of Judicial Studies and indigenous women. OHCHR and the School of Judiciary Studies delivered training on transitional justice to 88 judges, magistrates and members of the AGO. The Office also facilitated four virtual encounters between youth, victims of the internal armed conflict and CSOs.

Furthermore, OHCHR prepared compilations of international human rights standards to support the work of the Commission on Human Rights and the Commission on Matters Concerning Persons with Disabilities. It also issued compilations of international protocols to assist the AGO with assessments of the performance of prosecutors. Finally, the Office disseminated information on attacks against the judiciary and identified systemic deficiencies. OHCHR assisted with the implementation of urgent protection measures that the IACHR extended to three prosecutors in April.



# Non-discrimination

ND1 – Indigenous peoples, women and others who are subject to discrimination make use of strategic litigation to demand their rights and hold individuals and institutions to account for human rights violations.



OHCHR provided methodological and legal support to enhance the knowledge of CSOs and HRDs working on the rights of indigenous peoples, thereby increasing the use of national protection systems in compliance with international human rights standards.

The Office strengthened the capacities of indigenous peoples in preparation for strategic litigation to claim their rights. A total of 29 Maya midwives and weavers participated in a training on the special procedures, including communications procedures. A total of 30 indigenous women lawyers and CSOs learned about the availability of international tools to claim their rights. In coordination with the NHRI, OHCHR organized an online training on the national health system to strengthen the capacity of 25 indigenous midwives to advocate with the Ministry of Health. Between April and July, the Office organized a social media campaign on "Women and COVID-19," to provide an opportunity for women's rights experts, activists and frontline workers to share their reflections about human

rights issues. OHCHR produced a short video highlighting the work of indigenous midwives and the relevant legislative and policy framework.

OHCHR designed a graphic summary of recommendations issued by regional and international human rights mechanisms on the collective rights to land and territory of peasants and indigenous peoples. In cooperation with representatives of the Ch'orti Mayan indigenous communities, the Nuevo Día Association and the Chomijá Indigenous Lawyers, the Office analysed Constitutional Court rulings that paved the way for land recovery. Technical assistance was provided to 20 indigenous authorities and the indigenous Maya Ch'orti Youth Network from Camotán, Jocotán and Chiquimula on the implementation of a 2017 ruling that recognized their right over ancestral lands. The Office also worked with 25 indigenous communicators and organizations of indigenous peoples to design strategies to facilitate the implementation of court decisions on the rights of indigenous peoples. As a result, five radio campaigns were produced; two in Spanish and three in indigenous languages (K'iche, Kagchikel and Q'egch').

Moreover, the Office supported a network of CSOs and the NHRI in their work on the right to food. In particular, it focused on ensuring the implementation of a 2014 decision in the "Camotán case," handed down by a court in Zacapa that specializes in cases of children and youth, including through the design of a strategy and the presentation of a public report.

ND1 - National laws, policies and practices apply an HRBA and respect the rights of indigenous peoples, persons with disabilities, women, LGBTI persons and others who experience discrimination.

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OHCHR contributed to increasing the compliance of laws and policies with international human rights standards, with a particular focus on disability, accessibility and inclusion.

As part of its ongoing efforts to address discrimination, UN Human Rights documented violent attacks against members of the LGBTI community and the murder of 10 LGBTI persons. In the context of COVID-19, OHCHR provided technical support to the Ministry of Health, including on mainstreaming gender-related issues and intercultural approaches into COVID-19 responses.

Comprehensive advocacy efforts were undertaken to recognize persons with disabilities as rights-holders. For instance, it supported the registry of persons with disabilities across the country to facilitate the distribution of protection kits by UNFPA and UNDP. It also advocated for the adoption, by Congress, of the Law for the Recognition of Sign Language. Although the draft legislation on the care of persons with different abilities (Bill 5125) amends an earlier law and brings national legislation closer to compliance with CRPD, no consensus was reached on the draft. OHCHR provided expert advice to the National Council for the Assistance of Persons with Disabilities (CONADI) and carried out an in-depth analysis to determine the compliance with CRPD of a legal initiative being developed by the Government to facilitate the employment of persons with disabilities. In addition, the Office delivered

a workshop for members of a congressional Committee on Disability Issues to enhance their capacities to integrate international human rights standards into national legislation.

Furthermore, OHCHR supported the NHRI and CONADI in the design of a human rights-based communication strategy on COVID-19 and accessibility requirements for persons with disabilities. The Office worked with the Ministry of Education to prepare a guidance document on including people with visual and hearing disabilities in an online learning programme entitled "Learning from home," which was implemented as a response to educational disruptions caused by the pandemic.

ND6 - Institutions that implement migration policies adopt an HRBA. CSOs, State institutions, UN agencies and other relevant actors cooperate to monitor, ensure and enforce respect for the human rights of migrants.



OHCHR contributed to strengthening oversight, accountability and protection mechanisms to identify, address and defend the human rights of migrants.

In the context of COVID-19, UN Human Rights monitored the human rights situation of migrants returning from Mexico and the United States of America. A number of cases of human rights violations were referred to the NHRI and COPREDEH and the Office supported the RCO in its advocacy with State authorities. In January, OHCHR deployed observation teams to the Tecún Uman border with Mexico. The Office

participated in drafting seven situation reports that outlined protection concerns related to migrants and human rights-based responses to the so-called "migrant caravans," including by providing expert advice on drafting a joint letter to the UN Specialized Migration Group of Guatemala (GEMIG). In addition, OHCHR provided technical assistance to the National Migration Council (CONAMIGUA) and the NHRI on the prevention of stigmatization. It supported the elaboration of radio messages promoting the human rights of migrants. The Office also documented the situation of more than 100 migrants in Guatemala seeking to return to Nicaragua and provided expert advice on relevant human rights standards to CSOs and the NHRI.



# **Peace and Security**

PS3 – The policies and conduct of State institutions that are responsible for the security of citizens increasingly comply with international human rights standards and pay special attention to the rights of indigenous peoples, women, children, migrants and others who are subject to discrimination, including CSOs.



OHCHR increased the capacity of State institutions to comply with international human rights standards by providing technical assistance and documenting human rights concerns.

UN Human Rights monitored the implementation of the National Civil Police Protocol on the Use of Force in demonstrations, protests, detention and other forms of police intervention. In particular, the Office monitored the situation during the presidential term change, on 14 January, when several students were injured and arrested, and at demonstrations on 21 November, where excessive use of force was observed, OHCHR called for an investigation and due process guarantees for detained protesters, who were released without charges. In light of the pandemic, the Office monitored actions undertaken by security forces to implement emergency measures, including arrests. It followed up on a possible case of extrajudicial execution.

The Office scrutinized the performance of security forces after state of emergency measures were adopted to combat crime in Chimaltenango and Escuintla. It drafted a preliminary confidential report, which was shared with the NHRI. The Office also monitored the human rights situation in the context of emergency measures in Nahualá, Santa Catarina Ixtahuacán and Santa Lucía Utatlán (Department of Sololá). It followed up on two cases of detained HRDs and a possible case of torture. Furthermore, the Office monitored the cases of two indigenous Mayan Pogomchi' communities in the municipality of Purulha (Baja Verapaz Department), where people were threatened, raped and violently evicted by a private armed group. OHCHR discussed these cases with the Minister of the Interior, the Vice-Minister of Security and the Director of Human Rights and International Humanitarian Law of the Guatemalan Army.

Following changes in the Ministry of the Interior that took place after the elections in the country, OHCHR established contact with the new police authorities, leading to renewed collaboration. The Office delivered training to 90 police staff on evictions and the use of force. Moreover, it provided technical assistance to the Working Group on the Transformation of the Penitentiary System, comprised of CSOs and academics, which released a

press statement on the rights of persons deprived of their liberty.



# **Development**

D3 - State institutions more consistently incorporate international human rights standards into their interventions and policies on land, housing, poverty and related rights.







OHCHR contributed to improving the incorporation of international human rights standards into the policies and practices of State institutions on land, housing and work.

On 21 October, the IACHR published its decision to grant precautionary measures to the Poqomchi' Maya indigenous families of the Dos Fuentes and Washington communities, in the Department of Baja Verapaz, UN Human Rights helped CSOs to submit a request to the IACHR on behalf of the affected communities in relation to allegations of threats, intimidations and violent attacks against community members in the context of a dispute over land ownership.

In cooperation with the NHRI, OHCHR followed an emblematic case on the rural Mayan indigenous communities of Laguna Larga, which were living in unfit temporary shelters along the border with Mexico after being forcibly displaced in 2017. OHCHR helped to demand the protection of their rights, however, State institutions failed to comply with the IACHR precautionary measures granted to these communities.

Finally, the Office monitored eight cases involving possible violations of the right to work in the form of child labour in the coffee sector and trafficking of persons for labour exploitation at palm tree plantations in the Departments of Alta Verapaz and Petén. It followed up on those cases with the Ministry of Labour and the NHRI. It also documented allegations of violations of the right to land and adequate housing of indigenous and rural communities, including in the context of increasing threats of forced eviction by private sector actors in the Departments of Alta Verapaz, Baja Verapaz and Petén.

D1 - Businesses and other economic actors are increasingly held to account for rights abuses. Public institutions, including judicial authorities and the Office of the Ombudsperson, are equipped to ensure that the rights of communities affected by natural resource projects are protected and that victims of abuses have access to remedies.











OHCHR contributed to improving the compliance with international human rights standards of the practices and policies of business actors.

UN Human Rights helped to strengthen the knowledge of CSO representatives (35 women, 40 men) about reparation mechanisms for victims of human rights violations committed by business actors. The Office organized discussions around the Round-Table on Sustainable Palm Oil, raising awareness about options available to CSOs to address human rights violations committed by companies in the palm oil sector. Furthermore, OHCHR organized training sessions on the UNGPs for public officials from COPREDEH (prior to its closure) and the Ministry of Foreign Affairs. With OHCHR's support, COPREDEH established a road map to develop a 2020 National Action Plan on

Business and Human Rights. In addition, OHCHR raised awareness within the private sector about the UNGPs, with a special focus on due diligence, supporting the development of human rights policies by two business associations. In coordination with UNDP and the Global Compact Guatemala Network, OHCHR conducted webinars on human rights and the private sector with 78 business representatives in the context of COVID-19.

#### HAITI: UNITED NATIONS INTEGRATED OFFICE IN HAITI (BINUH)

Population size <sup>1</sup> 11.40 million	Surface area <sup>1</sup> 28,000 km <sup>2</sup>	Human Development Index <sup>2</sup> NHRI (if applicable) <sup>3</sup> 0.510 (rank: 170/189 in 2019) "A" Status (2013)
Type of engagen	nent	Special Political Mission
Year established		2004 as MINUSTAH; as MINUJUSTH since 2017; BINUH since July 2019
Field office(s)		Port-au-Prince
UN partnership (	framework	United Nations Development Assistance Framework 2016-2021
Staff as of 31 De	cember 2020	5

XB requirements 2020

US\$1,388,000

**Key OMP pillars in 2020** 









123 Please refer to Data sources and notes on p. 229

### **PILLAR RESULTS:**



# 🕹 🕹 Accountability

A1 – The Inspectorate General for Police and the Conseil Supérieur du Pouvoir Judiciaire (CSPJ) functions effectively and consistently investigates and prosecutes serious violations.



OHCHR supported the NHRI (Office de la Protection du Citoyen (OPC)) and the General Inspectorate of the Haitian National Police (IGPNH) to improve the compliance with international human rights standards of their investigation and prosecution of human rights violations.

UN Human Rights and BINUH jointly followed up on alleged human rights violations in the country and partnered with civil society and the OPC. BINUH's Human Rights Service (HRS) strengthened the human rights monitoring capacities of the OPC, resulting in the publication of an OPC thematic public report, in September. In February, OHCHR and BINUH issued a report on gang violence in Port-au-Prince, which highlights the failure of authorities to adequately protect residents of the Bel Air neighbourhood from abuses by gangs, which resulted in multiple deaths and the destruction of civilian properties at the end of 2019. The Security Council session on BINUH referred to the report later that month. The HRS prepared two internal reports on the findings of its monitoring activities that were undertaken between January and November. The reports were presented to its national and international partners, including the diplomatic community, the UNCT and the Protection Group led by the OPC. The reports show a negative trend of a lack of judicial follow-up on emblematic cases of human rights violations committed by the national police. It recalled the obligations of authorities to end impunity and the cycle of violence by arresting, investigating and prosecuting alleged perpetrators of human rights violations, in accordance with international human rights law.

Throughout the year, the HRS held regular meetings with the IGPNH and shared information on cases of human rights violations attributed to members of the police. As a result, the IGPNH opened an investigation into all 53 cases transmitted by OHCHR and a database was established on human rights cases addressed to the IGPNH and the OPC. The HRS continued to monitor the situation in prisons. Two commissions were set up by the Ministry of Justice and the CSPJ to consider exceptional releases to prevent the spread of COVID-19 in prisons. In partnership with UNDP, the HRS provided advisory services to the OPC on its involvement in the two commissions and to two CSOs that monitored measures to prevent the spread of COVID-19 in prisons and police station detention cells. The HRS also contributed to the UNCT Working Group on prisons and security, with a focus on elaborating advocacy messages around the application of international human rights standards in the management of prisons and the exceptional release of prisoners during the pandemic.



# Non-discrimination

ND6 - Steps have been taken to ensure that the rights of Haitian migrants are protected, in particular during deportation cases and when persons of Haitian descent become stateless in the Dominican Republic.



OHCHR contributed to enhancing the capacity of relevant actors to monitor and follow-up on cases of violations of the human rights of migrants.

UN Human Rights and BINUH provided technical assistance to the Service Jésuite aux Migrants (SJM), a CSO, for the creation of a database and website. The database features information management functions and facilitates the registration of cases on human rights violations and abuses of migrants. SIM staff members operating in border areas with the Dominican Republic collected information related to victims of trafficking and SGBV.

At the request of the Humanitarian Country Team (HCT), the HRS provided support to the NHRI in the coordination of the Protection Group and drafted a protection strategy in the context of COVID-19. OHCHR also provided advice to the OPC on ensuring consistency in the response to human rights violations reported by members of the Protection Group. As a result, victims received psychosocial support. For instance, individuals who were displaced due to gang violence in the metropolitan region of Port-au-Prince were enrolled in a housing support project that was initiated by two members of the Protection Group.

As a member of the binational Protection Group led by IOM, the HRS delivered expert advice on addressing human rights violations and abuses of migrants from the Dominican Republic and participated in the reception of returnees from the Bahamas and the Turks and Caicos Islands. In both situations, OHCHR referred cases to the OPC and supported the NHRI in advocating with the Ministry of Foreign Affairs for the respect of the rights of returnees and migrants.



# **Participation**

P1 - The OPC retains its legal standing and receives the necessary resources to operate independently in all departments.



OHCHR contributed to the effective functioning of the OPC, in conformity with international standards, by providing technical assistance and training.

BINUH's HRS continued to provide technical assistance to the OPC to support the drafting of the institution's operational plan to implement its strategy 2019-2024. The operational plan was launched with representatives from CSOs and the diplomatic community. The consultant trained OPC staff on issues related to the right to health and, in cooperation with the

Office of WHO/Pan American Health Organization in Haiti, supported the preparation of a national campaign to be carried out in 2021.



D5 - The Direction Générale de la Protection Civile (DGPC) is strengthened. It works throughout the country and is equipped to address protection concerns associated with different types of disaster, drawing on disaster risk preparedness plans that comply with international human rights standards. Haiti receives adequate resources to mitigate and adapt to the effects of climate change.

By providing technical assistance to two key State institutions, OHCHR contributed to enhancing the extent to which humanitarian operations integrate international human rights standards and recommendations of international human rights mechanisms into their work.

UN Human Rights and BINUH provided advisory services to the Protection Unit of the DGPC, which implemented activities related to the COVID-19 crisis in the middle of the hurricane season. The HRS supported the revision of the shelter management guide, ensuring the inclusion of key messages on addressing the needs of vulnerable groups (such as child-headed families, children under five, pregnant and lactating women, people living with chronic illness and persons with disabilities). It also provided support for the revision of the DGCP Protection Unit's workplan through the design of a training module on protection in the preparation for and response to emergencies.

In parallel, the HRS facilitated the mainstreaming of the rights of persons with disabilities into the National Disaster Risk Management System policies and tools. It provided technical support to the Office of the Secretary of State for the Integration of Persons with Disabilities, including by advocating for the implementation of CRPD recommendations on situations of risk and humanitarian emergencies and by delivering targeted training sessions on the protection of the rights of persons with disabilities in emergency contexts.

#### **HONDURAS**

9.90 million	Surface area <sup>1</sup> 112,000 km <sup>2</sup>		f applicable) <sup>3</sup> us (2016)
Type of engagen	nent	Country Office	
Year established		2015	
Field office(s)		Tegucigalpa	
11N1	, ,	United Nations Development Assistar	ice
UN parmersnip	ramework	Framework 2017–2021	
UN partnership f		Framework 2017–2021 22	
Staff as of 31 De			
	cember 2020	22	
Staff as of 31 De  XB income  XB requirements	cember 2020	US\$3,655,201 US\$4,415,000 US\$2,803,369	nel PSC <sup>4</sup>
Staff as of 31 De  XB income  XB requirements  XB expenditure	cember 2020	US\$3,655,201 US\$4,415,000	nel PSC <sup>4</sup>

<sup>1234</sup> Please refer to Data sources and notes on p. 229 and p. 231

#### **PILLAR RESULTS:**



# **Accountability**

A1 - Laws, policies and practices on security, including the participation of military forces in citizen security tasks, comply more fully with international human rights standards.





OHCHR continued to advocate for the increased compliance with international human rights standards of legislation and policy on security.

UN Human Rights agreed on a strategic partnership with the Ministry of Security for the review of protocols on the use of force, forced evictions and the management of protests in compliance with international human rights standards. As part of its evidence-based methodology in the context of COVID-19, the Office documented incidents of excessive use of force, including the forced disappearances of at least eight persons, cases of ill-treatment, arbitrary detention and abuse of authority. Following an analysis of trends and patterns, OHCHR raised awareness on these issues with law enforcement authorities at briefings in the Council of Ministries, stressing the importance of limiting the participation of armed forces and military police in the enforcement of curfew measures under the state of emergency. Legislation on the use of force is pending adoption by Congress and the Office continued to advocate for the adoption

of legislation and regulations in compliance with international human rights standards.

Concerns over the compliance of the new Criminal Code provisions with human rights standards persist and the Office advocated before and provided technical assistance to the Special Commission of the National Congress and presented a proposal on the reform of specific aspects of the Code. OHCHR supported CSOs in their engagement for reform of the Criminal Code and the preparation of proposals to the National Congress. The Office will continue to follow the process and advocate for transparency and the participation of CSOs. It also provided input to an opinion drafted by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which outlined recommendations to the State on the new Criminal Code. In addition, OHCHR shared with UNCT members its recommendations regarding the review and reform of the Criminal Code in light of international human rights standards.

The Office raised concerns and observations and led joint actions on behalf of the international community through the coordination of the G16 Human Rights, Justice and Security Sub-Group. OHCHR shared with authorities its analysis of the human rights situation in the context of COVID-19, including identified trends and technical cooperation needs, and its impacts on the use of force, detention, the penitentiary system and access to justice.

Moreover, OHCHR coordinated the G16 Gender Sub-Group, which focused on measures to address the increase of gender-based violence during the pandemic, as well as the definition of a broader strategy on women's human rights in the context of the COVID-19 crisis. Through its participation as an observer in the Inter-Institutional Commission on the Investigation of Violent Deaths of Women and Femicide, the Office coordinated key actions to disseminate the Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide) to members of the Inter-Institutional Commission.

A2 - The Supreme Court and the Office of the Attorney General strengthen their technical and institutional capacity to prosecute human rights violations promptly, impartially and effectively.



OHCHR continued to work with authorities to ensure that oversight, accountability and protection mechanisms were in place and functioning in conformity with international human rights standards.

UN Human Rights provided technical assistance to the judiciary and the Attorney General's Office to strengthen their investigations of human rights violations, including by promoting the adoption of investigation protocols and analysing prosecution strategies in cases of human rights violations. OHCHR published the thematic report Accountability for human rights violations committed in the context of the 2017 elections in Honduras: Progress and challenges. Through its monitoring, the Office determined that impunity prevails for the serious human rights violations and abuses committed during the post-electoral period. OHCHR continued promoting the State's adoption of the Minnesota Protocol on the Investigation of Potentially Unlawful Death, however, the COVID-19 emergency delayed this process. The Office established a cooperation strategy with the Attorney General, which led to the establishment of a working group on emblematic human rights cases. The working group included the participation of OHCHR, the Chief Prosecutor within the Attorney General's Office and various prosecutors in charge of cases that relate to human rights and corruption.

The Office developed a technical cooperation strategy with the Supreme Court aimed at reducing the prison population during the COVID-19 pandemic, in line with international standards. OHCHR undertook advocacy before and provided technical assistance to the judiciary for the reduction of the prison population, with a special emphasis on pretrial detention and imprisoned HRDs. The Office shared key observations and recommendations with judges and the Court of Appeals of Tegucigalpa with regard to several cases. In particular, it highlighted the recommendations issued by the UN Special Rapporteur on the independence of judges and lawyers to guarantee that the detainees have access to a review of their pretrial detention in the context of COVID-19. OHCHR also shared with the Constitutional Chamber of the Supreme Court an expert opinion on human rights standards for persons deprived of their liberty during the pandemic. On 10 June, a Legislative Decree entered into force, allowing the review of cases of persons in pretrial detention and the release of persons in pretrial detention who are most vulnerable to COVID-19. To date, the judiciary has approved the release of 2,773 persons, in line with OHCHR's recommendations.

The Office coordinated with the Committee of Relatives of the Detained and Disappeared in Honduras (COFADEH) to co-organize a virtual international forum on enforced disappearance, with the participation of Fabian

Salvioli, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. The forum provided an opportunity for the Office to take the lead in the development of a road map to prepare a legal framework on enforced disappearance. Together with COFADEH, the Office established a working group, which is currently monitoring the investigations of 11 cases concerning alleged extrajudicial executions, arbitrary detentions, ill-treatment and torture.

As part of its work on impunity and corruption, OHCHR held exchanges with CSOs and international development cooperation agencies to discuss how to support the work of anti-corruption bodies. With the departure of the OAS-backed Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), the Office assumed a more active role in this field. OHCHR and the Supreme Court agreed to develop a technical cooperation programme focused on corruption and impunity. In addition, a human rights and gender approach will be applied in the administration of justice to ensure respect for and the guarantee of human rights.

A2 - As part of its strategic working plan, the Supreme Court adopts and implements strategies that improve the access to justice of marginalized groups, including migrants, women victims of violence, indigenous peoples, members of the LGTBI community and persons living with disabilities.







OHCHR continued to monitor emblematic cases and provide technical assistance and tools to rights-holders and CSOs working with marginalized groups to improve their access to justice.

As part of its strategy on access to justice of people in vulnerable situations, UN Human Rights continued to provide support to the emblematic case of the criminalization of human rights and environmental defenders of the Guapinol community, who are currently being held in pretrial detention. In May, OHCHR provided technical assistance to their legal representatives to prepare a submission to the Working Group on Arbitrary Detention. The Office engaged with State institutions to raise awareness regarding their detention conditions. In June, OHCHR and the NPM (CONAPREV) conducted a joint visit to the two penitentiary centres where the defenders are being held in order to document their condition. The OHCHR Country Representative visited them in September, drawing attention to their situation and further raising their public profile. The Office also engaged with the IACHR to develop joint actions on the case and in relation to the overall situation of persons deprived of their liberty during the COVID-19 pandemic. To this end, it sent a communication to the Court of Appeal, stressing the need to guarantee a hearing for the review of pretrial detention in the context of COVID-19.

OHCHR continued monitoring the trial against David Castillo, one of the suspects in the murder of HRD Berta Cáceres. The Office advocated with the judiciary to ensure that the trial is public, including through a live transmission in the event that observers are not permitted to be physically present due to COVID-19 restrictions. UN Human Rights supported the engagement with the international community of Berta Cáceres' family and legal team to share information and alerts on possible scenarios of impunity of the perpetrators.

The Office increased its support with regard to the ongoing strategic litigation efforts of CSOs in cases related to the rights of women and LGBTI persons. The restrictive legislation on sexual and reproductive rights represents a major gap in the State's fulfilment of its international obligations. For instance, in a case of the criminalization of the voluntary termination of pregnancy, OHCHR's intervention was key to ensuring the integration of international human rights norms and standards into the sentence, which set a precedent for future jurisprudence in this area. OHCHR is also following up on the investigation and prosecution of a case of sexual violence against a minor in La Ceiba, in coordination with Avocats Sans Frontières (ASF). UN Human Rights communicated to prosecutors its observations and concerns on the due diligence of the investigation and engaged with the judiciary to highlight the need to integrate a gender perspective into the case. OHCHR and ASF developed a joint workplan that includes a capacity-building programme on strategic litigation for the legal teams of CSOs that are representing rights-holders who experience discrimination and obstacles to realizing their right to access to justice.

OHCHR supported the petitioners and victims in the case of Vicky Hernandez and others v. Honduras during the public hearing before the IACHR, which was held virtually in November. The case concerns the extrajudicial killing of a transgender woman during the coup d'état that took place in Honduras, in June 2009. It is emblematic because it represents the first time that the killing of a transgender woman was brought before the Court and demonstrated a pattern of systematic discrimination and violence towards transgender persons in Honduras.



# Non-discrimination

ND6 - The human rights of all migrants, particularly those in vulnerable situations, are protected.







OHCHR carried out strategic actions to protect the human rights of all migrants, returnees and internally displaced persons (IDPs), in particular those in vulnerable situations.

Despite the COVID-19 pandemic, large population movements continued throughout 2020, including migrants, returnees, IDPs and other persons with international protection needs. The impacts of Hurricanes Eta and Iota triggered additional forced displacement. State authorities faced ongoing challenges in protecting and guaranteeing the human rights of those who were displaced. UN Human Rights in Honduras and across the region established a response strategy with relevant stakeholders to address these issues and to deal with humanitarian emergencies and the human mobility challenges that arose during the pandemic.

More specifically, the Office conducted 10 missions in Honduras to monitor the human rights situation regarding population movements. During the missions, OHCHR successfully increased the knowledge of rights-holders about their rights, obligations and options for safe, orderly and regular migration and made them aware of the risks of irregular migration.

In addition, the technical assistance provided by the Office contributed to strengthening the capacities of State institutions, the NHRI and other stakeholders to protect the rights of people on the move during the pandemic. As a result, the National Institute for Migration collaborated with the Ministry of Human Rights and the NHRI to set up a Humanitarian and Protection Assistance and Response Plan to address the situation of migrants in transit during the pandemic.

Furthermore, OHCHR coordinated response strategies with UN entities and others to identify humanitarian and protection needs and human rights violations during massive returns and in the context of massive migrant caravans moving towards the United States of America. In particular, the Office focused on promoting articulated and complementary response strategies to ensure that human rights were placed at the centre of these strategies. This provided the Office with updated information and early warnings, enabling it to activate adequate, timely and integral responses to assist those in vulnerable situations. Moreover, common key messages and information campaigns were developed that aimed to mitigate discriminatory actions.

Finally, OHCHR provided technical assistance to the Inter-Institutional Commission for the Protection of Persons Displaced by Violence, which contributed to developing advocacy actions related to the approval of the draft law for the Prevention, Care and Protection of Forcibly Displaced Persons.



# **Development**

D7 - Selected government entities align their programmes on labour rights and poverty reduction with international ESCRs.

5 8 10 % 8

OHCHR advocated for situating ESCRs at the centre of responses to COVID-19 and the humanitarian crisis following Hurricanes Eta and Iota.

Due to the technical assistance provided by OHCHR, a network of social and trade union organizations was established to monitor violations of labour rights. OHCHR contributed to strengthening the network's capacities to monitor, analyse and advocate in relation to violations of ESCRs, with a focus on the labour rights of persons in vulnerable situations. As a result, specific recommendations were presented to government institutions and the Domestic Workers Network that were engaged in a dialogue on domestic workers with the Ministry of Labour.

Furthermore, in response to the COVID-19 crisis and other humanitarian emergencies, OHCHR and various State institutions, including the Ministries of Human Rights, Foreign Affairs and Development and Social Inclusion, established an articulation mechanism to promote the guarantee of the socio-economic rights of people in vulnerable situations. Based on the information collected through its monitoring system, OHCHR shared the needs and concerns of those in vulnerable situations with the Government, both at technical and high-levels. Moreover, OHCHR provided technical assistance and proposed measures that the State should adopt to better respect, protect and fulfil the economic and social rights of the most vulnerable people, including indigenous peoples, people on the move, LGBTI persons, persons with disabilities and informal and fired workers.

The Office further promoted the integration of an HRBA into the United Nations Sustainable Development Cooperation Framework (UNSDCF) and UN-led strategies, communication initiatives and response plans to the COVID-19 pandemic, humanitarian crises and recovery measures. As a result, the UN SERP to respond to the COVID-19 pandemic included actions to protect and prioritize the needs and socio-economic rights of persons in vulnerable situations. Furthermore, the UN humanitarian response to Hurricanes Eta and Iota applied an HRBA that focuses on people in the most vulnerable situations.

#### **JAMAICA**

<b>Population size<sup>1</sup></b> 2.96 million	Surface area <sup>1</sup> 11,000 km <sup>2</sup>	Human Development Index <sup>2</sup> NHRI (if applicable) <sup>3</sup> 0.734 (rank: 101/189 in 2019) -
Type of engagen	nent	Human Rights Adviser
Year established		2013
Field office(s)		Kingston
UN partnership f	ramework	UN Multi-country Sustainable Development Framework (UN MSDF) in the Caribbean 2017- 2021
Staff as of 31 De	cember 2020	1

XB requirements 2020

US\$354,000

**Key OMP pillars in 2020** 









#### **PILLAR RESULTS:**



### **Development**

D7 - Human Rights principles and standards are properly mainstreamed within the UN MSDF for the English- and **Dutch-speaking Caribbean countries** and a human rights-based approach is integrated.



OHCHR contributed to advancing the integration of human rights-based approaches into COVID-19 responses and the development of CCAs and UNSDCFs.

UN Human Rights conducted comprehensive analyses of the human rights situations in the Bahamas and Jamaica in support of the development of human rights-based CCAs. OHCHR organized a training session for 13 senior UNCT staff members and strategic programming staff in both countries to raise awareness and capacities

around integrating human rights into UN programmes and activities, particularly in the development of CCAs and UNSDCFs. Moreover, a special training session was organized for 23 participants from UN agencies in the Bahamas and Jamaica on the HRDDP and the Human Rights up Front Initiative and Action Plan.

OHCHR contributed to the integration of human rights into UN COVID-19 response and recovery plans. It provided written guidance to pillar leads on the right to health, social protection, education and food security sectors to ensure that No One is Left Behind. OHCHR also delivered a briefing to the UNCT on the Secretary-General's policy brief on the impact of COVID-19 on human rights and the UN SERP. The Office supported the design of a matrix that links the recommendations issued by the international human rights mechanisms with the Sustainable Development Goals (SDGs) to

facilitate their integration into the SERPs of the UN and the Government. OHCHR's contribution resulted in the integration of most of the recommendations related to poverty eradication, social protection, health, education and the inclusion of vulnerable groups.



# **Non-discrimination**

ND1 - In at least three countries (Barbados, Jamaica and Trinidad and Tobago), laws and policies protect the rights of women, persons with disabilities, persons living with HIV, LGBTI persons and religious minorities.





OHCHR improved awareness on the compliance of legislation/policy with international human rights standards related to women, LGBTI persons and persons with disabilities.

UN Human Rights developed the capacities of civil society in the areas of non-discrimination and the human rights of LGBTI persons. In cooperation with UNDP and the United Caribbean Transgender Network, OHCHR delivered two-day workshops on two occasions; one for 10 representatives of six CSOs in Jamaica working to advance LGBTI rights; and the second for 13 representatives of LGBTI CSOs from the Bahamas, Barbados, Belize, the Cayman Islands, Guyana, Saint Lucia, Suriname and Trinidad and Tobago. Participants enhanced their knowledge about monitoring and reporting on human rights violations, with a focus on COVID-19related discrimination, and with regard to the international and national human rights mechanisms, including their communication procedures.

<sup>123</sup> Please refer to Data sources and notes on p. 229

In December, OHCHR became the UNCT focal point for the implementation of UNDIS. The newly elected member of CRPD, Mr. Floyd Morris, delivered a keynote address at a panel discussion on Human Rights Day 2020, which was organized in cooperation with the European Union, UN partners and the Ministry of Foreign Affairs and Foreign Trade of Jamaica, entitled "Recover better: Stand up for human rights." This was a unique opportunity to pursue advocacy efforts and call on the Government to accelerate the implementation of the Disabilities Act, which was adopted in 2014.

In cooperation with the UN Theme Group on Gender and Human Rights in Jamaica, OHCHR conducted a comprehensive review of proposed amendments to four pieces of legislation on sexual offences, childcare and protection, domestic violence and offences against the person. Recommendations were issued to ensure that the reviewed laws are in compliance with international human rights standards, including in relation to the criminalization of marital rape, the reporting, investigation and prosecution of domestic and sexual violence cases and the protection of victims and witnesses. Despite the 2018 approval of the National Strategic Action Plan for the Elimination of Gender-Based Violence, limited progress was achieved in addressing gender-based violence. In addition to a failure to allocate adequate resources to implement the plan, victims are reluctant to report crimes due to a fear of stigma, poor access to medical care and referral services, an absence of investigations and support from law enforcement and a backlog of court cases.

OHCHR publicly supported the efforts of Bahamian State authorities to eliminate discrimination on the basis of gender in nationality laws to reduce the risk of statelessness. The Office issued a press briefing to welcome the Supreme Court ruling that anyone born to a Bahamian mother or father is entitled to citizenship at birth, regardless of their parents' marital status.



# Accountability

A1 – In at least one country (Jamaica), law enforcement authorities and the judiciary have adopted in-house training on human rights. Barbados, Grenada, Saint Lucia and Saint Vincent and the Grenadines have taken steps to provide human rights training to law enforcement officials.





OHCHR contributed to enhancing the human rights training for law enforcement authorities in the Caribbean.

UN Human Rights, in cooperation with UNODC, conducted a three-day training for law enforcement officers in the Caribbean on issues related to human rights, integrity, ethics and accountability. In particular, the Office raised the awareness of participants on a human rights-based approach to policing and introduced the 2020 United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. A total of 250 persons from Anguilla, Antigua and Barbuda, the Bahamas, Barbados, Belize, Bermuda, the British Virgin Islands, the Cayman Islands, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts, Saint Lucia, Saint Vincent, Suriname, Trinidad and Tobago and Turks and Caicos took part in the training.

In a notable development, and in response to a growing number of arbitrary detention cases, the Supreme Court of Jamaica ruled as unlawful the detention of five men

under state of emergency measures, noting that keeping them in custody was a breach of their constitutional rights. The individuals were detained in Clarendon. Kingston Eastern, Saint Andrew South and Westmoreland. Some of them had been in detention for more than a year without being charged with any crime. OHCHR and its partners advocated for the respect of due process and fair trial rights.



### **Mechanisms**

M1 – At least 10 (of 24 outstanding) State Party reports to the human rights treaty bodies have been submitted and adhere to the respective reporting guidelines.





OHCHR supported the submission of quality reports to the international human rights mechanisms through awareness-raising and capacity-building on the reporting guidelines and timeframes of the UPR and the human rights treaty bodies.

UN Human Rights cooperated with the Social Inclusion Committee, the Sustainable Development Goals Unit at the Office of the Prime Minister of the Bahamas, to co-organize a training session on international human rights mechanisms and the SDGs, with a focus on ESCRs. A total of 22 participants (21 women, one man) from different government ministries and departments participated in the training.

The Office provided technical assistance to the Interministerial Committee for Human Rights to ensure that the third review of Jamaica by the UPR Working Group, in November, was successfully conducted. Jamaica's delegation was led by the Minister of Foreign Affairs and

the review was publicly broadcast on Jamaica's social media channels. OHCHR engaged with civil society prior to the UPR review process and provided them with guidance and support to prepare a quality alternative report. As a result, a coalition of 27 CSOs submitted the first alternative report on Jamaica to the UPR Working Group. In addition, the Office provided assistance, when requested, to ensure the timely submission of State Party reports to CEDAW, CMW and CRPD, while also coordinating the confidential submissions of UNCT reports to these committees.

#### **MEXICO**

Population size <sup>1</sup> 128.93 million	Surface area <sup>1</sup> 1,964,000 km <sup>2</sup>	Human Development Index <sup>2</sup> NHRI (if applicable) <sup>3</sup> 0.779 (rank: 74/188 in 2019) "A" Status (2016)
Type of engagen	nent	Country Office
Year established		2002
Field office(s)		Mexico City
UN partnership f	ramework	United Nations Sustainable Development Cooperation Framework 2020-2025
Staff as of 31 De	cember 2020	24
XB income		US\$2,245,850
XB requirements	2020	US\$4,203,000
XB expenditure Personnel 81%		U\$\$2,073,255  Non-personnel PSC4  8% 11%
\$1,673,834		\$162,431 \$236,99
Key OMP pillars	in 2020	

<sup>1234</sup> Please refer to Data sources and notes on p. 229 and p. 231

### **PILLAR RESULTS:**



### **Mechanisms**

M1 - By the end of 2021, Mexico has ratified two international or regional human rights treaties and recognized the competence of CED to receive and consider individual communications.







OHCHR contributed to the implementation of international human rights norms in Mexico, with two major developments, namely, the recognition of the competence of CED to consider individual complaints and the ratification of the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

Following years of advocacy and campaigning by UN Human Rights, Mexico recognized the competence of CED to examine individual complaints. This is a major breakthrough for the application of the International Convention for the Protection of All Persons from Enforced Disappearance.

In 2020, the Mexican Senate ratified the Escazú Agreement. The ratification was deposited with ECLAC and the Agreement will enter into force in 2021. This Agreement could constitute a valuable tool for the struggle against the depredation of the environment, as a means of fighting climate change in the region and protecting environmental defenders.

M3 - The judiciary references international human rights standards more frequently in its decisions and activities. It does so in cases where OHCHR has submitted a legal brief.



OHCHR contributed to enhancing the use of international human rights law and jurisprudence in court proceedings and decisions.

UN Human Rights submitted legal briefs in seven human rights cases, including to the Supreme Court, tribunals and others, such as prosecutors and the NHRI. In other cases, the Office provided technical assistance by holding meetings with relevant stakeholders. The legal advice and recommendations provided by the Office were taken into account as follows:

- In a case of enforced disappearance examined by the Supreme Court, the legal impact of urgent actions issued by CED were reviewed and OHCHR provided a list of standards that were incorporated into a draft sentence that will be discussed in 2021:
- In a draft sentence that was reviewed by the Supreme Court, the legal value of a number of decisions of the human rights treaty bodies was challenged. OHCHR presented a letter with concerns, which resulted in the draft ruling being discarded;
- OHCHR, UNICEF, UNESCO and UNFPA sent the NHRI a compilation on international standards on the right of young people to access sexual and reproductive health education. With this information, the NHRI filed an appeal before the Supreme Court against the legislation that incorporates a system of parental control called "Parental

NIP." The Supreme Court has not issued its ruling;

- In a federal case, an alleged perpetrator of torture sought judicial protection against a resolution issued by the NHRI, which established the facts of several torture cases. OHCHR presented a brief that argued that this judicial protection would seriously undermine the rights of the victim:
- In a case of WHRDs and mothers of victims of enforced disappearance who were arrested during peaceful demonstrations, OHCHR submitted to the Prosecutor a legal brief on the rights of HRDs and the right to peaceful assembly. The Prosecutor withdrew the charges against the WHRDs and a judge ordered the continuation of the investigation into arbitrary detention and the alleged use of force against peaceful demonstrators;
- In the case of Misael Zamora, a defender of the rights of indigenous peoples and the environment, criminalized with his family since 2006, OHCHR submitted a letter to the judge, outlining international standards in relation to HRDs. The judge referred to these standards in open court, which led the Prosecutor to withdraw the charges against Misael Zamora; and
- The Office presented international standards related to ESCRs and the right to freedom of movement, which were taken into account in two cases discussed in the context of COVID-19, i.e., the state of Coahuila's decree on movement restrictions and the disconnection of the water service to a migrants' shelter.

UN Human Rights and the Supreme Court continued to cooperate on a project to incorporate information on international human rights mechanisms and human rights norms and standards into a human rights legal search engine (Buscador Jurídico de Derechos Humanos (BJDH)). An agreement was reached on the methodology of adding to the search engine and OHCHR supported the Supreme Court to incorporate relevant information from 700 thematic reports issued by the special procedures mandate holders. The objective is to add an additional 400 reports by 2021. The BJDH is an important tool for disseminating knowledge on international human rights standards to the judiciary, students, academics, human rights officers, government officials and the general public. In 2020, it had two sections; one related to the Inter-American System and one related to the human rights treaty bodies and their general comments/general recommendations. Plans are underway for further updates and developments.



### Non-discrimination

ND6 - National laws recognize the rights to liberty and judicial guarantees of migrants, who enjoy stronger legal protection through national judicial and non-judicial protection mechanisms.



OHCHR contributed to enhancing the compliance with international standards of regulations on the rights of migrant children and adolescents.

In September, a draft decree that reformed various articles of the Migration Law and the Law on Refugees, Complementary Protection and Political Asylum, was unanimously adopted during a plenary

session of the Chamber of Deputies of the Congress of the Union. The draft decree is in compliance with international treaties and recommendations issued by international human rights mechanisms and is the culmination of extensive efforts carried out by UN Human Rights, UNICEF, UNHCR and IOM since 2017. Throughout the process, the Office strongly advocated for this reform with relevant authorities.



# **Accountability**

A1 - Effective steps have been taken to establish two or more of the following: an NPM; safeguards during detention, including through the creation of a registry of detentions; and exclusion of illicit evidence.





OHCHR contributed to improved compliance with international human rights standards in these three priority areas.

UN Human Rights continued raising awareness in tribunals around evidence obtained through torture, highlighting the compulsory nature of the rule about excluding such evidence. In five new cases, OHCHR met with judges and enhanced their knowledge regarding applicable international standards. For example, the Office had a positive influence in the case of Mónica Esparza, a victim of sexual torture, who was released without charge a few days after OHCHR met with the presiding judge to discuss applicable international human rights standards.

OHCHR also participated in legislative reform discussions on detention and the creation of a National Guard. In 2020, the Office intervened in the constitutional reform process that was initiated by the Federal Government to expand the types of crimes that carry the mandatory imposition of pretrial detention. The amendment was unfortunately approved. OHCHR monitored the situation of pretrial detentions and continued to publicly advocate for the revision of its use.

The Office participated in consultations for the adoption of a new protocol on judicial action in cases relating to torture. The protocol would be used to identify a series of good practices that could be applied by the judiciary. OHCHR also liaised with the Federal Institute of Public Defense to carry out activities for the prevention of torture, such as enabling federal public defenders to have a more proactive role. In the lead up to this result, the Office was invited to public and private meetings, including in relation to drafting a strategy which, among other actions, creates a special team at the Federal Institute of Public Defense to follow up on torture cases addressed to public defenders. In addition, OHCHR provided information to CSOs and victims on the role of the Working Group on Arbitrary Detention.

A1 – Mexico has adopted a national regulatory framework on the use of force that complies with international human rights standards.



OHCHR continued advocating for the full compliance of the 2019 National Law on the Use of Force with international human rights standards.

Following the 2019 adoption of the National Law on the Use of Force, which fails to comply with international standards in some areas, UN Human Rights continued monitoring its enforcement and judicial challenges that are before the Supreme Court. OHCHR held meetings

with the Supreme Court and will submit a document outlining relevant international standards that could be useful for the Supreme Court's discussions on the topic. The final decision on the constitutionality of this law is anticipated in 2021.

The Office continued providing technical assistance on the use of force to authorities in Mexico City and Quintana Roo. It promoted the implementation of international standards through official communications sent to state authorities and documented cases related to the use of force and extrajudicial killings in the context of COVID-19 through in-person and remote meetings. As a result, eight new cases of extrajudicial killings were documented in 2020, involving 10 victims. At least five additional cases were documented on human rights violations due to the excessive use of force. OHCHR held meetings with authorities in Oaxaca and Coahuila to follow up on the investigation of some of these cases. It also issued two press releases and three Twitter threads on cases of human rights violations due to excessive use of force. In light of the increased use of force that amounted to human rights violations at feminist protests during the year, the Office will continue implementing a joint strategy on women's rights, civic space and the use of force in 2021.

A4 - At least 10 new federal and local institutions adopt OHCHR's indicator framework when they report on the implementation of human rights policies, evaluate the impact of public programmes and assess the implementation of international human rights recommendations.



OHCHR contributed to an enhanced use of indicators and the implementation of evaluation strategies with a human rights perspective in several key institutional processes.

The National Council on Social Policy Evaluation (CONEVAL) increased the integration of human rights into its evaluation models, referencing human rights norms and exploring how to strengthen statistical data on vulnerable groups. UN Human Rights collaborated with the Human Rights Programme of the National Autonomous University of Mexico to support this process, including by delivering an in-depth training course on human rights indicators and SDG measurement frameworks for 35 staff members of CONEVAL.

In addition, the National Statistical Institute (NSI) created a "Specialized Committee on Human Rights Statistics." Following continued efforts that were undertaken by the Office to strengthen the use of human rights indicators in Mexico, it became a member of the Committee. OHCHR is now working with the NSI to establish the Committee's biannual working programme. It assisted with the review of socio-demographic statistics in order to identify how human rights could be further integrated. OHCHR also helped to establish a link between the Committee and the Ministry of the Interior to support the generation of indicators for the National Human Rights Action Plan. The Committee is focused on establishing a policy to generate human rights statistics; developing technical and methodological norms to measure human rights violations; incorporating cross-cutting human rights principles in official statistics; measuring gross human rights violations, such as torture and disappearances; generating SDG indicators; and providing guidelines on measuring the impact of public policies.

OHCHR also contributed to the elaboration of the Human Rights Action Plan of the state of Coahuila by delivering capacity-building activities, including on indicators, with a focus on civil rights and vulnerable populations. Collaborating with the judiciary, the Office supported the Attorney General in defining a statistical follow-up framework regarding the institution's work on disappeared persons and provided assistance in the development of its Human Rights Action Plan. OHCHR and the Judicial Power of Mexico City published the Judicial Statistics and Human Rights Indicators 2019 and completed the draft of the 2020 publication. The year 2020 marked the tenth anniversary of their collaboration to generate human rights indicators and iudicial statistics.

In cooperation with the Supreme Court of Justice and the Federal Judicial Council, the Office achieved substantive advances in rolling out the manual Evaluating the impact of human rights training, which covers a variety of topics, such as the use of fair trial indicators and an evaluation of the integration of a gender perspective into the work of the Judicial Council.

The Office also supported the work of the National Search Commission, including by informing the elaboration of its regional programme, providing advice on the use of indicators for the Protocol for Searching for Disappeared and Missing Persons

and promoting the establishment of an Information System on Disappearances.

Finally, OHCHR was actively involved in the elaboration of the National Human Rights Action Plan, which was developed under the leadership of the Ministry of the Interior with the participation of civil society and published on 10 December. In particular, OHCHR emphasized the inclusion of vulnerable populations, the integration of human rights indicators and the definition of strategies for improving transparency and accountability mechanisms.

A2 – At least four public policies have been adopted that protect the rights of individuals who are subject to search and identification (with respect to search commissions, registries, protocols, national plans, etc.). At least three public policies have been adopted that address prosecutions, sanctions and reparations in cases of disappearances of persons, torture and other human rights violations. These policies are implemented at the federal and local level, in compliance with international human rights standards.



OHCHR contributed to the establishment of oversight and accountability mechanisms on torture, the search for missing persons and exhumations and the identification of human remains in compliance with international human rights standards.

UN Human Rights continued monitoring the implementation of the General Law against Torture and the operation of the Torture Observatory (sintortura.org). Due to COVD-19, it was not possible to upload information to the website that was provided by relevant state authorities.

Nonetheless, some progress was made on improving the website in cooperation with CSOs. OHCHR participated in the elaboration of the National Programme for the Prevention and Sanction of Torture, aimed at providing prosecutors' offices with administrative normative frameworks that comply with the General Law on Torture. The Programme was not officially published in 2020.

In October, the National Search Commission published a Protocol for Searching for Disappeared and Missing Persons. OHCHR provided technical assistance during the drafting process to Federal Executive Branch authorities, namely, the National Search Commission. Among other attributes, the Protocol incorporates CED's Guiding Principles for the Search for Disappeared Persons and advances "the right to be searched for." In addition, it contains a specific section on the participation of the victims' families, elaborates a typology of searches and distributes duties among different state agencies.

The Office also provided technical assistance to the state Congresses of Ciudad de México, Estado de México, Zacatecas, Guanajuato and Jalisco during discussions regarding legislation on the disappearance of persons and the special "declaration of absence." OHCHR successfully promoted the inclusive and active participation of victims' groups, eliminating regressive elements from the draft laws and incorporating others that are more progressive. For example, the elimination of the concept of "not-located," requires authorities to adopt immediate measures to uphold the rights of the disappeared person, regardless of legal distinctions. In states where the Congress adopted legislation without benefiting from the technical

assistance of the Office, the progressive elements were not incorporated.

OHCHR supported an enhanced dialogue between the General Prosecutor's Office, the Prosecutor's Office of Veracruz, the German Corporation for International Cooperation (GIZ) and the victims' families in several cases of enforced disappearance that were committed in the state of Veracruz in 2013. Advocacy efforts resulted in a commitment by federal prosecuting authorities to carry out a comprehensive analysis of the information contained in the case files.

Finally, the Office used specific cases to document progress made in the implementation of the adversarial system. It highlighted entrenched practices that impede the full implementation of positive judicial reforms. As a result of advocacy efforts undertaken by several organizations, including OHCHR, the discussion of a project to abrogate the current Law of the General Prosecutor's Office, which would constitute a clear regression in terms of human rights standards, was postponed until 2021.

#### **SOUTH AMERICA**

Type of engagement	Regional Office
Countries of engagement	Argentina, Bolivia, Brazil, Chile, Ecuador, Paraguay, Peru and Uruguay
Year established	2009
Field office(s)	Santiago (Chile) with Human Rights Advisers in Argentina, Bolivia, Brazil, Ecuador, Paraguay, Peru and Uruguay
Staff as of 31 December 2020	15

XB income	US\$1,110,811		
XB requirements 2020	US\$4,506,000		
XB expenditure	US\$860,281		
Personnel		Non-personn	el PSC <sup>4</sup>
74%		14%	12%
\$640,625		\$120,512	\$99,145
RB expenditure	US\$1,054,978		
Personnel		1	Von-personne
91%			9%
\$959,163	·		\$95,815

**Key OMP pillars in 2020** 









#### **PILLAR RESULTS:**



## **Participation**

P1 - State institutions and NHRIs are better equipped to monitor protests and document human rights violations; laws on freedom of expression and assembly comply with international human rights standards; police protocols regulating the use of force comply with international standards; States have adopted laws and taken measures to protect HRDs; and NHRIs have developed early warning and rapid response mechanisms that prevent conflict and protect HRDs.



OHCHR contributed to improving the compliance of laws, policies and practices of institutions and State officials with international human rights standards, including in the context of protests and for the protection of HRDs.

Citizens across the region consistently requested enhanced levels of participation, access to essential rights, transparency and non-discrimination. In 2020, protesters in many countries in the region continued to be repressed by various means, including through the excessive use of force by law enforcement officials, the application of criminal laws

to persecute and discourage demonstrators, the establishment of administrative obstacles to the enjoyment of the rights to freedom of expression and assembly and the harassment of HRDs. To address these issues, UN Human Rights initiated a regional monitoring unit pilot project to systematically monitor and document paradigmatic cases, including those related to attacks against HRDs. Criteria for prioritizing cases were established, materials for in-person and remote monitoring were designed and used and networks with CSOs were extended. Positive progress was made in monitoring human rights violations in Argentina, Chile, Paraguay and Peru. In selected cases, the Office engaged in private and/or public advocacy before national authorities and international human rights protection mechanisms. While monitoring activities were primarily carried out remotely due to COVID-19, two field missions were undertaken in Chile (August) and Peru (November) as rapid deployments to urgent situations. OHCHR action resulted in positive and tangible results in certain cases, including swift responses by public authorities, the referral of cases to NHRIs, coordination with international actors, the establishment of coordination meetings between authorities and victims and normative changes.

In Argentina, the Office monitored situations of police violence in the context of COVID-19. In Brazil, OHCHR improved its coordination and exchange of information with the National Programme for the Protection of Human Rights Defenders, including to follow up on cases. In Chile, the Office promoted the application of human rights standards by a working group responsible for drafting a bill on the right to peaceful assembly. This effort was led by the Undersecretary of Human Rights, with the participation of the

<sup>&</sup>lt;sup>4</sup> Please refer to Data sources and notes on p. 231

NHRI and the Children's Ombudsperson. OHCHR monitored progress in bringing justice and reparations to victims of human rights violations in the context of social protests. It also monitored the situation of Mapuche people deprived of their liberty, who were participating in a hunger strike. Moreover, the Office delivered a series of training for HRDs on monitoring and reporting on human rights violations, in particular in the context of demonstrations, with a focus on General Comment No. 37 of the Human Rights Committee. In Ecuador, OHCHR, IOM and the organization Idea Dignidad designed an online training course on monitoring for HRDs, with a focus on protection and conflict prevention, including in the context of protests. In Paraguay, the Office monitored the situation of returning migrants in the context of COVID-19. In Uruguay, OHCHR extended public support to the NHRI. The Regional Representative met with its President, seeking to strengthen the role of the institution.

In Peru, the Office provided technical assistance to the Ombudsperson's Office. OHCHR organized meetings to facilitate the exchange of experiences around the protection of HRDs between the NHRI and Mexico's National Human Rights Commission. During the national protest, in November, OHCHR provided expert advice on the use of indicators to collect disaggregated data on the situation of HRDs. The Office also called on the police to better respect the roles of the NHRI and the NPM and to prevent attacks against their members. In addition, OHCHR organized a meeting between the National Mechanism for the Protection of Journalists and HRDs from Mexico and the team in charge of the implementation of the Protocol to Guarantee the Protection of HRDs within the Ministry of Justice and Human Rights

in Peru. This enabled the team in Peru to learn from the Mexican experience as it takes steps to improve the Peruvian mechanism, which is designed to gather and register information. In the context of prison riots, the Office stressed the need to ensure that the use of force by State officials was compliant with international human rights standards. Advocacy efforts were also conducted to address the regression of national legislation on the use of force. Moreover, OHCHR facilitated the engagement of CSOs with international human rights mechanisms on a number of cases, including in relation to attacks against HRD Elita Yopla, the situation of La Hoyada Memorial Site in Ayacucho and human rights violations that were committed in the context of police repression in November.

At the regional level, the Office continued to work jointly with UNODC and others to ensure the availability of key publications and resources on the use of force by law enforcement officials and on less lethal weapons, in Spanish and Portuguese.



ND1 - State institutions responsible for meeting the needs of vulnerable groups have been strengthened and receive adequate funding and political support. Discrimination and gender equality laws comply with international human rights standards. Judges and prosecutors are better equipped, in terms of law and training, to successfully prosecute discrimination and gender crimes. State policies protect indigenous peoples against discrimination and consultation protocols have been adopted.



OHCHR contributed to increasing the level of compliance of legislation and policy with international human rights standards with regard to the rights of women, persons with disabilities, migrants and LGBTI persons.

UN Human Rights contributed to the elaboration of a number of anti-discrimination policies and laws in 2020. In Argentina, the Office supported the National Institute against Discrimination, Xenophobia and Racism (INADI) to develop a national mapping on discrimination with a view to elaborating a national action plan on this issue. The Office also facilitated the integration of gender and human rights into the workplan and activities of the Inter-Agency Coordination Platform for refugees and migrants from Venezuela. Moreover, when a health and social emergency affecting the Wichi indigenous communities was declared by the Government of Salta, OHCHR participated in a field mission with other UN partners and international organizations and provided technical assistance to ensure the integration of human rights into a needs assessment and the

Government's emergency response. In Chile, the Office supported the work of the Government-led National Taskforce of Persons with Disabilities and COVID-19, which adopted guidelines on persons with disabilities in health-care centres. It also organized an exchange between Chilean legislators and experts from the Committee on Migrant Workers regarding discussions on a draft bill on migration. The Office sent three communications to the National Congress of Chile to ensure that international human rights standards were integrated into the legislation. In addition, OHCHR promoted the adoption of Resolution 3925 by the Chilean Gendarmerie, which recognizes the State's obligation to apply the current Penitentiary Regulations in accordance with international standards on cultural relevance and non-discrimination of indigenous peoples. In Peru, the Office provided technical assistance to the Ministry of Women and Vulnerable Populations to draft legislation on the protection of persons with disabilities in COVID-19 responses, which was adopted as Legislative Decree No. 1468. OHCHR also offered expertise to support the development of a national policy on Afro-Peruvian persons by the Ministry of Culture. OHCHR analysed data on access to work and other issues and provided recommendations from CERD and the Working Group of Experts on People of African Descent (WGEPAD). This initiative was the result of longstanding advocacy efforts undertaken by CSOs and OHCHR. Finally, the Office organized the visit to Peru of WGEPAD, in cooperation with CSOs, the NHRI and the Ministry of Culture.

OHCHR supported the delivery of capacity-building and training activities across the region. Together with other field presences in the region, the Office organized a webinar for State institutions on

hotlines and institutional mechanisms to respond to violence against women during the pandemic. In collaboration with UN Women and the Specialized Network on Gender of the Ibero-American Association of Public Ministries, the Office organized a regional webinar on the Latin American Protocol Model for the investigation of gender-related killings of women (femicide/feminicide), which had an audience of more than 800 people. In addition, OHCHR developed a diagnostic document on the use of the Protocol Model in Bolivia, Chile, Paraguay and Peru, which highlights good practices from Argentina and Brazil. Furthermore, in Peru, OHCHR cooperated with the Ministry of Justice and Human Rights and other UN partners to deliver nine workshops to address the impacts of COVID-19 on vulnerable groups. The Office also provided training and technical assistance to the NHRI on the use of human rights indicators for data collection in implementing the 2030 Agenda on Sustainable Development, including in relation to groups that are subject to discrimination. Advocacy was undertaken to encourage the signature of a Memorandum of Understanding (MoU) with the National Statistics Institution.

Furthermore, the Office contributed to raising the awareness of a broad range of stakeholders around issues related to equality and non-discrimination. In Brazil, OHCHR supported the implementation of the Free & Equal Campaign through the dissemination of three videos on LGBTI persons in the workplace and other web articles and posts, reaching more than one million people. Other activities were implemented to raise awareness about the challenges faced by LGBTI persons, with a focus on social inclusion, the situation in prisons, the right to health and the impacts of COVID-19 on this community. In addition, the Office supported various initiatives by the Afrodescendant movement and the UN to address racism and racial discrimination in the context of COVID-19. It participated in an external commission of the Federal Chamber of Deputies to discuss the impacts of the pandemic on Afrodescendant and quilombola populations. In Chile, OHCHR co-organized a series of dialogues with the Chilean Afrodescendant people in the framework of the evaluation of the International Decade for People of African Descent. In Peru, the Office provided support to the Ombudsperson's Office to discuss the cases of illegal evictions of migrants and refugees from Venezuela in the context of COVID-19 with the Ministry of Justice and Human Rights. With UNIC, OHCHR facilitated the release of communication materials to prevent such evictions. In Paraguay, OHCHR monitored the situation of returning national migrants and wrote a thematic report on the issue.



D7 - States implement the 2030 Agenda for Sustainable Development using national development plans that integrate recommendations issued by the international human rights mechanisms.

1 2 3 5 8 9 13 16 17

OHCHR contributed to the compliance with international human rights standards of COVID-19 responses and programmes and policies to implement the 2030 Agenda, including by providing technical guidance and support to RCOs, UNCTs and government counterparts.

In the context of COVID-19, UN Human Rights worked to ensure the application of a human rights-based approach to UN SERPs and government actions, targeting the most vulnerable people and, in some cases, by facilitating the use of human rights indicators to guarantee comprehensive monitoring efforts. Through the Surge Initiative, the Office undertook various studies to analyse the socio-economic impacts of the pandemic on vulnerable groups, including persons with disabilities, sexual and gender minorities and indigenous peoples. This included a specific focus on tackling inequalities through rights-based macroeconomic analyses of austerity and stimulus measures in five countries (Argentina, Ecuador, Paraguay, Peru and Uruguay).

OHCHR continued to support countries in developing and implementing national policies on business and human rights. By the end of 2020, two national action plans were launched (one that is fully in force in Chile and one that needs to be validated or updated by the new Government in Argentina), two plans were announced (in Ecuador and Peru) and one country expressed its commitment to transforming its national guidelines into a plan (Brazil). In September, the Office organized the fifth Latin America and the Caribbean Regional Forum on Business and Human Rights under the theme "Realizing responsible business conduct in difficult times: Turning challenges into opportunities." More than 4,000 people from 46 countries participated virtually, including representatives from governments, businesses, CSOs, affected communities, indigenous peoples, academics and international and regional organizations.

In November, OHCHR, ECLAC and UNEP organized the first regional Forum of Environmental Defenders in South America, which virtually gathered together more than 60 HRDs from Argentina, Brazil, Bolivia, Chile, Ecuador, Paraguay, Peru and Uruguay, Participants analysed environmental protection in the region, exchanged experiences and formulated recommendations. The Forum raised the awareness of participants about human rights mechanisms and frameworks, such as the Escazú Agreement.



### **Mechanisms**

M1 - NMRFs function effectively in Argentina, Bolivia, Chile, Ecuador, Peru and Venezuela.



OHCHR supported efforts to establish effectively functioning NMRFs through advocacy and technical assistance.

States from the region are party to the core international human rights treaties and in recent years have made significant progress in decreasing the burden of pending reports to the human rights treaty bodies. Nevertheless, the complex scenario of political and social crises in 2019, combined with elections and COVID-19 in 2020, led to weakened engagement with the international human rights mechanisms.

Despite these circumstances, UN Human Rights continued to engage with key stakeholders to create and/or strengthen NMRFs. In Brazil, the Legislative Committee was approached for its potential to function as an NMRF. Due to a challenging political context, no decision was reached. In Chile, several initial meetings were held with the Vice-Minister for Human Rights and her staff regarding the NMRF. A period of massive protests that began in October 2019, however, shifted attention to the implementation of recommendations that were outlined in the report of OHCHR's mission, which documented patterns of human rights

violations in the State's response to the protests. In Peru, an intersectional protocol was adopted, in August 2020, with the aim of improving inter-institutional coordination in the implementation of the State's international human rights obligations and to facilitate collaboration with civil society. This instrument will pave the way for the creation of an NMRF. Training on NMRFs was delivered to national authorities in Venezuela and internal discussions were pursued on this topic.

OHCHR continued to build the capacities of stakeholders across the region, with a focus on developing a regional network of NPMs and integrating the standards and guidelines on COVID-19 issued by the international human rights mechanisms. A total of 470 judges in Ecuador received training in relation to COVID-19 and the human rights of persons deprived of their liberty. In Peru, OHCHR and the Ministry of Justice and Human Rights co-organized a webinar on COVID-19 and human rights, with over 1,000 participants. Bolivia received extensive training and submitted all of its outstanding reports to the human rights treaty bodies. In Chile, labour unions that had received training submitted six alternative reports to the Committee on Migrant Workers for the first time. Moreover, the Office drafted infographics on the human rights impacts of the pandemic in Argentina, Brazil, Ecuador and Peru.

# Championing access to economic, social and cultural rights in Uruguay

Juan Ceretta is an expert on human right strategic litigation, working at the University of the Republic in Montevideo, Uruguay. In 2020, he and his students helped to make access to ESCRs a reality through a programme that provides legal assistance to poor families.

Since its creation in 2015, the Strategic Litigation Clinic has focused on causes that facilitate the realization of human rights, especially social and cultural rights. In 2020, Ceretta and his students decided to take on the case of a Montevideo-based family with six children that was living in extreme poverty in a house on the brink of collapse. The Clinic knew that the case was challenging and few precedents could be found in Uruguay on the enforceability of the right to adequate housing, unlike other social rights, such as the right to health care.

"We only found five records of litigation claiming the effective enjoyment of the right to housing," Ceretta said. The Clinic had promoted actions of protection in three of those cases. Although

they also involved vulnerable persons living in extreme circumstances, the cases were unsuccessful.

The road to justice was long and bumpy for Professor Ceretta and his team. Then, in an unprecedented outcome, the constitutional protection suit they filed was deemed admissible by the Court. The Ministry of Housing and Territorial Planning agreed to provide the family with adequate housing through a rental subsidy for a period of two years and to ensure their access to essential services.

"This was the first time that the State reviewed its public policies with the participation of other public actors," noted Ceretta, who explained that the Ministry of Social Development and the Uruguayan Institute for Children and Adolescents pledged to assist the family throughout the process.

UN Human Rights strengthened the capacities of the Clinic on human rights standards and international jurisprudence. In September, the Office and the

Clinic began collaborating to deliver capacity-building training on the right to adequate housing, including through the organization of a conference with students, lawyers, judges, prosecutors and activists. UN Human Rights and other experts outlined the foundations of the right to housing and the standards for its enforceability, in a context where regressive housing normative frameworks and laws are in place.

For Juan Ceretta, "This groundbreaking advance would not have been possible without the capacity-building support of UN Human Rights," he said. "We learned to use international human rights law and standards in our exchanges with authorities, as well as good practices from other countries, to make the enjoyment of ESCRs a reality."





Professor Juan Ceretta (right) and his students provide legal aid to vulnerable families. With their support, the family of Flor (left) was able to realize their right to adequate housing. © OHCHR/South America

#### **VENEZUELA**

Other type of field presence 2019 Caracas United Nations Development Assistance Framework 2015-2021
Caracas United Nations Development Assistance
United Nations Development Assistance
· ·
4
US\$3,180,550
US\$3,041,000
US\$1,565,360
Non-personnel PSC <sup>4</sup>
18% 9%
\$285,258 \$145,472

1234 Please refer to Data sources and notes on p. 229 and p. 231

#### **PILLAR RESULTS:**

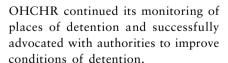
**Key OMP pillars in 2020** 



## Accountability

A1 – State authorities increasingly address human rights violations committed in the context of law enforcement and the justice system.





Throughout 2020, UN Human Rights monitored and researched the human rights situation, both in-country and remotely. Several missions were carried out during the year and remote monitoring took place when travel was limited due to COVID-19 restrictions.

Despite the pandemic, OHCHR continued monitoring the conditions in detention centres and conducted 14 visits to 13 detention centres. OHCHR shared confidential reports on the main findings of the visits with the Ministry of Penitentiary Services, which included a set of recommendations to improve the conditions of detention. OHCHR met with the Minister of Defense to discuss the recommendations. The Minister welcomed the recommendations and committed to acting upon some of them (i.e., to facilitate visits for the detainees, adapt some cells, including those hosting women,

and ensure access to outdoor spaces). While this demonstrated the potential for improved detention conditions, COVID-19 adversely impacted the situation of detainees. Access to detention centres managed by the military and intelligence services was increased, however, which led to the direct improvement of detention conditions. For instance, punctual family contacts were resumed through video calls following a five-month suspension related to the COVID-19 crisis, religious worship ceremonies were organized and the transfers of some detainees for medical care and assistance were resumed.

In 2020, OHCHR exchanged information with relevant authorities to follow up on individual cases and continually advocated for action to be taken, in particular on urgent cases related to health concerns, judicial delays, the non-execution of judicial release orders or the implementation of decisions issued by the international human rights mechanisms. This included a variety of cases involving journalists, HRDs and health-care professionals who were detained in the context of COVID-19. The Coordination Committee provided information on the judicial status of over 102 cases and noted the measures that were taken to address the humanitarian, penitentiary and judicial concerns of those cases. Since June 2019, at least 140 persons have been released.

OHCHR established a regular dialogue with the Office of the Attorney General and the military. This led to an increase in judicial action for cases of serious human rights violations, particularly in the investigation of 58 alleged cases of extrajudicial executions by security forces and 35 cases of deaths documented in the context of protests.

A1 – Improved conditions of detention in certain detention centres and a more effective NPM. Increased access to justice for victims of human rights violations.



OHCHR advocated with authorities and identified barriers and entry points to assess the effectiveness of the NPM.

Venezuela signed the OP-CAT in 2011, but it has not yet been ratified. The UN Human Rights team in Caracas met with the NHRI, which provides secretariat support for the NPM, to better understand their methodology of work and the challenges they face. The team also engaged with Venezuelan authorities to define and agree upon a methodology and road map to assess the effectiveness of the National Commission to Prevent Torture. With the assistance of OHCHR staff providing secretariat support to SPT, the OHCHR team in Caracas organized a meeting to share information on available tools and good practices and experiences from other countries. OHCHR identified a number of barriers to engaging in a meaningful assessment process with authorities and identified various entry points to continue the process.



PS5 - Early warning, prevention and protection capacities strengthened, including through in-country monitoring.

3 5 8 10 13 16 17

OHCHR monitored human rights violations in Venezuela and used this reporting for advocacy purposes and to strengthen technical assistance provided to the Government.

In 2020, UN Human Rights released two public reports that were considered during the HRC's forty-fourth session. The first report was presented by the High Commissioner, on 2 July, under resolution A/HRC/RES/42/4. The report focuses on violations related to the right to life, liberty and personal integrity, with an emphasis on the effectiveness of the investigations conducted by authorities, including recommendations on accountability. The report also includes a section on progress made in the implementation of the agreement of cooperation and the technical assistance being provided. Secondly, on 15 July, OHCHR presented a report on the human rights situation in the Arco Minero del Orinoco, the independence of the justice system and the access to justice of victims, as mandated by resolution A/ HRC/RES/42/25. Three oral updates on the human rights situation in Venezuela were presented to the HRC, in compliance with the resolutions. The reports and oral updates were informed by the monitoring conducted by OHCHR.

During the HRC's forty-fifth session, two resolutions were adopted on Venezuela, namely, on technical assistance (A/HRC/ RES/45/2) and on the human rights situation in the country (A/HRC/RES/45/20). Both resolutions request the High

Commissioner to present reports and oral updates to the Human Rights Council on the human rights situation in the country and to provide technical assistance to the State, as per the recent extension of the cooperation agreement signed by the High Commissioner and the Government of the Bolivarian Republic of Venezuela. Resolution A/HRC/RES/45/20 extends the mandate of the FFM on Venezuela for two years.

Human rights monitoring guided the technical assistance activities that were carried out during the year. As an illustration, OHCHR organized a workshop with relevant authorities, in August, to discuss the conduct of police units and agents, in particular in relation to the use of force. It also reviewed draft police protocols and manuals to guarantee their compliance with international standards.



# **Non-discrimination**

ND6 - Civil society and the NHRI strengthen their capacity to support access to justice and protection mechanisms by Venezuelan migrants and refugees.

2 3 4 5 6 8 10 13 16 %

OHCHR contributed to enhancing the protection of the rights of refugees and migrants from Venezuela in host countries by monitoring their situation and providing technical assistance to national actors in the region.

Throughout 2020, the situation of Venezuelan migrants in host countries was consistently monitored. This began with remote monitoring and as the capacity in Panama increased, more direct monitoring was initiated. The outbreak of COVID-19

in South America significantly impacted on the situation of refugees and migrants from Venezuela. Governments in the region closed their borders, declared states of emergency and imposed measures of social confinement. Venezuelan migrants and refugees reported an inability to afford basic goods and services due to a loss of income, additional barriers to finding work and an increase in xenophobia and racism. Some Venezuelan migrants and refugees were compelled to return to Venezuela where they faced further protection risks. The Office closely monitored the situation.

In September, OHCHR launched a project to increase its advocacy at the regional level. Specifically, human rights will be mainstreamed into the protection tools elaborated in the framework of the Regional Inter-Agency Coordination Platform on Refugees and Migrants from Venezuela, with a particular focus on the human rights of migrants and refugees present in Colombia, Ecuador and Peru. The project aims to enhance the capacities of national actors in the region to promote and protect the rights of refugees and migrants from Venezuela. Further, a briefing session was held on how to engage with the international human rights mechanisms for a coalition of approximately 60 NGOs and associations working with refugees and migrants from Venezuela.