Armed conflict and insecurity

Protecting human rights in situations of armed conflict, violence and insecurity

Background

Situations of violence and insecurity generally lead to human rights violations. Such violations can take place during times of war, armed conflict or peace, in the aftermath of natural disasters and/or man-made emergencies. During these periods, focused efforts should be undertaken to protect human rights so that these can in turn help prevent or reduce eruptions of violence and insecurity.

International human rights law, whether established by treaty or custom, applies at all times, including during armed conflict. Yet international human rights norms and those of international humanitarian law are often disregarded and violated, affecting the rights of the civilian population.

International human rights law and human rights mechanisms reaffirm standards related to the use of force outside of situations of armed conflict, such as in the context of demonstrations and the mobilization of persons exercising their right to peaceful demonstration. The year 2011 was marked by a wave of massive demonstrations in several countries in North Africa and the Middle East during which protesters demanded social justice, democracy and human rights. In several cases, Governments responded with repressive measures, including disproportionate use of force against demonstrators by security forces, harassment, intimidation, arbitrary detention, torture and killings of protesters or individuals critical of the Government. In other parts of the world, social protests - mostly peaceful - were also heavily repressed.

High rates of insecurity and violent crimes, including homicides and sexual and gender-based violence, continued to prevail in many countries, particularly in the northern part of Central America, in Mexico and South Africa. In such contexts, the Office advocated for a comprehensive approach to insecurity by integrating the following elements: prevention of crime and violence; imposition of penalties in line with international standards;
protection and assistance to victims and groups at risk; and rehabilitation of offenders. These elements would help to protect the right to life and integrity of all persons from the threats posed by violence and crime while at the same time addressing the root causes of insecurity and ensuring responses based on human rights standards.

The aftermath of natural disasters and/or man-made emergencies may exacerbate pre-existing situations of inequality, discrimination and exclusion, increasing the risk of human rights violations for the members of the population more at risk, including women, children and minority groups. OHCHR continued to implement its mandate to protect affected individuals and populations and in this context, emphasized the civil, political, economic, social and cultural rights of all.

OHCHR's role

In 2011, on the basis of its global protection mandate, recognized expertise and understanding of the most pressing human rights issues and its presence in the field in most regions, the Office contributed to the promotion of worldwide peace and security and advocated for the promotion and protection of human rights with the aim of protecting lives and personal integrity in contexts of violence and insecurity. Particular attention was paid to the situation of populations most affected by conflict, violence and insecurity, in particular human rights defenders, the poor, women, children and youth.

Efforts to strengthen the integration of human rights into the UN's peace and security and humanitarian agendas are particularly critical in the context of armed conflict and insecurity and form core objectives of the Office. These efforts included the development and implementation of policies and operational guidance for peacekeeping and special political missions. In addition, OHCHR closely cooperated with other components of peace missions and maintained and fostered partnerships with UN agencies, funds and programmes to ensure the adoption of a human rights-based approach during the UN's engagement in conflict and post-conflict contexts. The Office has been particularly active in addressing the issue of conflict-related sexual violence.

The Office carries out its actions in the field and at the international level, including through: advocacy and effective protection on the ground where OHCHR has a field presence; rapid deployments; and technical cooperation and advice, for instance in relation to the adoption and reform of legislation and regulations and the design of security policies.
and action plans which safeguard human rights. The High Commissioner's advocacy role is particularly crucial and is undertaken, inter alia, through addressing pressing human rights issues during missions or in international fora, such as in briefings to the Security Council on the protection of civilians and regarding country situations.

The Office strengthened its capacity to promptly respond to emergency situations, primarily through the consolidation of the Rapid Response Section, increased use of the internal Rapid Deployment Roster of staff trained in fact-finding and investigations and the Contingency Fund; all areas of focus for the 2010-2011 programme. Rapid response efforts have proven to be particularly valuable in the Office's engagement in the Middle East and North Africa. In addition, the Office continued its leadership of the Protection Cluster in Haiti, Nepal, the Occupied Palestinian Territory (OPT), the Pacific and Timor-Leste. Although an enhanced rapid deployment capacity has enabled the Office to respond to emergency and critical situations more effectively, a significant increase in financial and human resources is needed to ensure that OHCHR's responses are timely and meaningful.

The following are results OHCHR helped bring about in this area in 2011.

**National laws, policies and institutions**

*EA 1 - Increased compliance with international human rights standards by all State entities, including national human rights institutions and the judiciary, as well as with domestic laws, policies and programmes*

The centrality of human rights in situations of conflict, violence or insecurity and in the aftermath of natural disasters, guides OHCHR's engagement with affected States. Through direct dialogue, legal advice and advocacy related to new or revised legislation and to facilitate the use of relevant human rights mechanisms, OHCHR's engagement aims at strengthening the capacity of States to address human rights challenges in such situations. Results have been achieved in the development of legislation, policies and institution-building to address violence and insecurity in the context of armed conflict, in times of peace and in the aftermath of natural disasters. Special attention has been paid to combating gender-based violence, including conflict-related sexual violence.

**During armed conflict or post-conflict situations**

The ratification of international human rights and humanitarian instruments, translation of these standards into domestic law and their practical implementation often requires the provision of technical advice and training for governmental institutions, especially law enforcement bodies and a broad range of national stakeholders. In OPT, the Office, in its engagement with the Palestinian Authority, emphasized the need to respect international standards in the context of arbitrary detention and ill-treatment which resulted in the Office being granted access to most detention centres to monitor the situation.

In Afghanistan, the protection of civilians and the reduction of casualties remain critical priorities. With technical advice from OHCHR/UNAMA, the International Security Assistance Force put in place standard operating procedures and tactical directives to restrict the use of force, increase civilian protection and formed special teams to track civilian casualty incidents and mitigate future incidents. These tactical directives, together with standard operating procedures regulating night searches, the rules of engagement and rules of escalation of force contributed to a reduction in casualties attributable to Government forces.

In Colombia, a law on victims’ rights and land restitution was adopted in June 2011 which included a number of recommendations presented by OHCHR-Colombia to ensure compliance with international principles and standards. These recommendations covered issues related to
non-discrimination, protection, access to justice and comprehensive reparation measures, including land restitution. Also in Colombia, the Office provided technical comments that were reflected in a draft law to increase the length of prison terms for child recruitment which is awaiting discussion in Congress.

In the Great Lakes Region, national committees on the prevention of genocide were established in Congo, Kenya and Tanzania with the support of OHCHR in Kenya and the participation of key human rights actors such as NHRIs, justice ministries and national human rights NGOs and networks.

**In times of peace**

In Ecuador, the Human Rights Adviser provided technical advice to the national police on the implementation of a 2010 ministerial decree policy and guidelines issued by the Ministry of Interior on detention and the use of force and firearms. In Venezuela, a draft law and draft policy on disarmament were prepared by the National Commission on Disarmament which took on board OHCHR’s recommendations aimed at ensuring compliance with human rights standards.

In Nepal, a draft bill on victims’ and witness’ protection was finalized with the support of the Office, which provided reference materials, such as guidelines for witness management used in the preparation of the draft.

In Serbia, the Human Rights Adviser continued supporting a national process towards the preparation of a comprehensive national policy on human rights defenders, in partnership with the Organization for Security and Co-operation in Europe (OSCE) Mission in Serbia and the Lawyers Committee for Human Rights (YUCOM), under the auspices of the Human Rights Directorate of the Government of Serbia. Government delegates and representatives of national institutions publicly expressed their commitment to the finalization of the policy. Also in Serbia, a Solidarity Network Mechanism developed with the assistance of the Human Rights Adviser and OSCE was established in 2011 to provide human rights defenders with legal assistance. As a result of awareness-raising conducted over previous years by the Human Rights Adviser and other partners, the City of Belgrade provided the premises for a “Human Rights House” which will host five human rights organizations.

In the Central African Republic, a draft law on internally displaced persons (IDPs) (Loi portant protection des personnes déplacées internes) was supported by OHCHR and finalized and presented to Parliament for adoption.

**In the aftermath of natural disasters**

In 2011, the Office contributed to multilateral humanitarian responses by, inter alia: advocating with authorities respect for the human rights of migrants during the devastating floods in Thailand; training Japanese NGOs on protection in natural disasters after the March earthquake and tsunami; engaging the Human Rights Council on the crisis in the Horn of Africa; and addressing forced evictions in Haiti.

**Gender-based violence**

In every region of the world, initiatives have been undertaken with the support of OHCHR to combat gender-based violence. In Somalia, following a monitoring project of the Human Rights Unit which documented instances of sexual violence against women and girls in IDP camps and onsite advocacy by the Special Rapporteur on violence against women, a Task Force on Sexual and Gender-Based Violence was established to adopt measures to prevent and address gender-based violence. The Task Force will report directly to the Prime Minister of Somalia. In Burundi, a draft law on sexual and gender-based violence, compliant with the International Conference on the Great Lakes Region Regional Protocol and specific provisions on harmful cultural practices, was prepared with the support of the Office and is pending adoption in Parliament. In the Central African Republic, a draft bill on sexual violence was prepared with the technical support of the Office and presented to Parliament for adoption.

In Iraq, a law combating domestic violence in the Kurdistan region was adopted with the support of OHCHR-UNAMI.

In Guinea-Bissau, a study on violence against women prepared and published with the support of OHCHR-UNIOGBIS and other members of the UN system enabled national authorities to measure the extent of gender-based violence and revise strategic policies and legislation, including the draft policy on gender equality and equity and the draft law on domestic violence.

In Timor-Leste, a law against domestic violence with input and advice of the Office was adopted by the National Parliament on 3 May 2010, providing a legal framework in compliance with international human rights standards. The Human Rights and Transitional
Justice Section (HRTJS) of the UN Integrated Mission in Timor-Leste (UNMIT) continued to deploy a Unit to monitor cases of gender-based violence, regularly visited courts, police stations and safe houses and assisted victims to understand their rights and mechanisms available under the Law. By the end of 2011, the national police reported an approximate 34 per cent increase in the number of reported cases of domestic violence compared with 2010, indicating significant progress in the implementation of the Law.

In Colombia, the Office provided advice to the Ministry of Defence on the proposed modification of their guidelines to prevent the occurrence of sexual violence within the armed forces. OHCHR also supported the NGO working group established by the Constitutional Court in 2008 to follow up on judicial investigations of sexual violence cases submitted to the Attorney General’s Office. OHCHR-Colombia significantly contributed to raising awareness of the Victims and Land Restitution Law (adopted in 2011) by providing analysis on its benefits and gaps to the United Nations Country Team (UNCT). In Central America, the Office advocated for specific legislation to address gender-based violence. In Bolivia, OHCHR provided technical advice on a proposed bill on violence against women, which included a provision to add the crime of femicide3 to the Penal Code. The draft bill was tabled at the Legislative Plurinational Assembly for consideration in 2012. In Guatemala, the Constitutional Court incorporated international human rights standards in some of its decisions, inter alia, on cases of violence against women. The Office contributed to this by making materials available on international standards and through capacity-building and sustained advocacy. In Peru, the Government approved a Law which incorporates the crime of femicide into the Criminal Code.

The Government of Afghanistan approved a by-law regulating the operation of Women’s Protection Centres for women and girls facing violence and abuse. OHCHR/UNAMA, together with civil society, the Afghanistan Independent Human Rights Commission and the UNCT, advocated with the Government to ensure that the by-law was in line with human rights principles. OHCHR/UNAMA also released a public report on implementation of the 2009 Law on the Elimination of Violence against Women in Afghanistan, following systematic monitoring and the documentation of harmful traditional practices. The Government and civil society took up the recommendations of the report and began implementing some of its recommendations.

3 Femicide refers to an extreme form of gender-based violence; the intentional killing of women for being women.
National accountability mechanisms

**EA 3 - Justice and accountability mechanisms**

established and functioning in accordance with international human rights standards to monitor, investigate and redress violations of civil and political, economic, social and cultural rights

OHCHR, along with DPKO and UNDP, is a co-lead entity of the Team of Experts established by the Secretary-General pursuant to Security Council resolution 1888, under the guidance of the SRSG for sexual violence in conflict. In 2011, the Team of Experts was deployed to situations of particular concern with respect to sexual violence in armed conflict in order to assist national authorities to strengthen the rule of law and identify gaps and challenges they face in responding to sexual violence. OHCHR’s participation in the Team of Experts led to a sustained dialogue with human rights field presences in countries where the Team of Experts is engaged (Congo, Guinea, Liberia and South Sudan) and allowed its work to be grounded in human rights standards and recommendations issued by human rights mechanisms.

In 2011, specialized units were established in the Office of the Prosecutor in the Democratic Republic of the Congo (DRC) to investigate and prosecute crimes of sexual violence. With the advisory and advocacy support provided by the Joint Human Rights Office (JHRO) in DRC, a project is underway to deploy women prosecutors and magistrates to selected courts in eastern DRC in 2012.

The work of the special procedures, supported by OHCHR, has triggered developments towards the establishment of national accountability mechanisms in compliance with human rights standards. For instance, in Mexico, following the country mission of the Special Rapporteur on the independence of judges and lawyers in October 2010, and after discussions with the High Commissioner during her visit in July 2011, the Supreme Court determined that military justice should not be applied to human rights violations, in accordance with a ruling of the Inter-American Court of Human Rights.

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**Developing a protocol to investigate femicide in El Salvador**

With the objective of tackling the epidemic of violence against women in El Salvador and enhancing the investigative capacities of public prosecutors, judges and members of the police, the OHCHR Regional Office for Central America supported the development of a protocol on the investigation of femicide. This objective was achieved by establishing a fruitful partnership with the Technical Implementing Unit of the Justice Sector (Unidad Técnica Ejecutiva del Sector Justicia – UTE), the Central American University “Simeón Cañas,” the National University of El Salvador in San Miguel, UN Women Mexico, and UNFPA El Salvador and resulted in the introduction of innovative measures to undertake investigations of femicide. The protocol was developed on the basis of a model developed by UN Women Mexico in 2010 and was then adapted to the constitutional and legal framework of El Salvador. The School of Continuing Education of the Attorney General’s Office in El Salvador provided technical and logistical support for the implementation of a training module on the investigation of femicide, based on the use of the Protocol. The training module was delivered by an international expert who was selected by the Regional Office.

In the words of its Director, Juan Carlos Real: “This course has allowed all of us to see why our attitudes towards women guide our investigations, the questions we ask and why so many killings of women go unpunished. Our prosecutors and judges were able to share their experiences which contributed to drawing a more complete picture of what it means to investigate the killing of a woman. We tend to say that we do not have capacities, knowledge or adequate resources. Our forensic personnel sometimes feel frustrated because they say that the prosecutors do not request the “right” criminal techniques […]. At the Prosecutors’ School we will place more emphasis on how to investigate violence against women without any type of discrimination.”

The module was also implemented in San Miguel, a town known for its high rate of femicide, and has already had an important impact on how prosecutors approach these cases. Judith Florez Borja, a prosecutor in Soyapango, said: “Throughout my career as a Chief Prosecutor, I knew about the international treaties protecting the rights of women. However, it has only been through my participation at the validation workshops of the Protocol on the investigation of femicide that I finally grasped how violence against women has its roots in our cultural prejudices towards women. This course based on the Protocol has made international treaties signed by our country on gender-based violence a living reality”. The module is now part of the curriculum of schools of the justice sector and the text of the Protocol, endorsed by the Attorney General, is being made available nationwide.
Access to justice and basic services

**EA 4 - Increased number of measures taken to improve access of discriminated groups, and particularly women, to justice and basic services**

In 2011, assistance from, and advocacy by, the OHCHR Regional Office in El Salvador resulted in significant developments taking place in El Salvador to increase access to justice for women victims of gender-based violence. Of particular significance was the elaboration of a protocol for the investigation of cases of femicide. In Haiti, the Human Rights Section (HRS) of MINUSTAH provided support to six Haitian NGOs for actions to prevent sexual and gender-based violence and inform victims on how to seek judicial redress.

Throughout the year, OHCHR-Colombia participated in the NGO working group established by the Constitutional Court to follow up on judicial investigations of sexual violence cases submitted to the Attorney General’s Office.

OHCHR promoted developments to increase the participation of women in national protection systems and mechanisms on reparation and redress for human rights violations, including sexual violence. In 2011, in DRC, an increased number of victims, in particular of sexual violence, were able to seek redress, due in part to legal assistance provided by legal clinics and free legal consultation bureaus offered by bar associations. As a result of OHCHR’s promotion and advocacy for protection measures and prevention, victims and witnesses of human rights violations were able to participate in a number of trials and court hearings, without harassment, intimidation or reprisals. OHCHR also supported, including financially, the participation of victims and witnesses who would otherwise have been unable to attend the hearings. In 2011, OHCHR extended its Programme on Access to Justice for Victims of Sexual Violence from two provinces (North and South Kivu) to an additional seven provinces, bringing the programme’s coverage to nine out of 11 provinces in DRC. The expansion of the programme resulted in a substantial increase in the number of legal clinics providing assistance to victims of sexual violence and the number of victims of sexual violence who received legal redress.

In Sierra Leone, the Human Rights Section, in collaboration with the Human Rights Commission of Sierra Leone, delivered trainings on sexual and gender-based violence and focused on engaging State agents and utilizing existing mechanisms in cases of violations. These efforts resulted in the establishment of support groups made up of women and men from sectors that disseminate this knowledge in their respective communities, monitor implementation of the laws and provide support to victims wishing to access justice.

The Nepalese Government accepted most of the UPR recommendations concerning the promotion and protection of women’s rights, many of which were included in the National Action Plan on Gender-Based Violence adopted in 2009. OHCHR-Nepal contributed to the implementation of the Action Plan and improved access to justice for victims of sexual and gender-based violence, in close cooperation with the National Women’s Commission. In particular, OHCHR supported a capacity-building programme for law enforcement officials and the staff of safe houses established by the Government in 15 districts.

In Serbia, a Solidarity Network and Mechanism developed with the assistance of the Human Rights Adviser and the OSCE was established in 2011. The network provides legal assistance to human rights defenders and has been recognized by the EU delegation in Serbia, which relied on the Structure of the Solidarity Network to design its Human Rights Defenders Strategy. The Strategy was launched following advocacy and advice from the OHCHR Human Rights Adviser.

**Participation**

**EA 5 - Rights-holders, especially women and others who have suffered discrimination, increasingly use existing national protection systems and participate in decision-making processes and the development and monitoring of public policies**

Coverage of human rights issues increased in the regional media of the Middle East following engagement by OHCHR’s Documentation Centre in Qatar. Training workshops were organized, in collaboration with Al Jazeera and UNESCO, for journalists on: a human rights-based approach to
media coverage; international mechanisms for the promotion and protection of human rights; issues of legal protection for journalists; and standards of international human rights law and international humanitarian law applied in times of armed conflict.

In Darfur, IDPs and human rights defenders were represented in the civil society track of the Doha peace process. The HRS advised the Joint Mediation Support Team regarding civil society participation in the Doha peace talks and collaborated with the African Union - United Nations Hybrid Operation in Darfur (UNAMID) Civil Affairs Section to implement a rights-based approach in the participant selection process and during briefings of civil society participants on human rights and justice issues prior to the peace talks.

In the highlands and in Bougainville, Papua New Guinea (PNG) as well as in Kiribati, Solomon Islands and Vanuatu, human rights defender networks were established with the help of OHCHR’s Regional Office for the Pacific, which, inter alia, provided mentoring support and focused on monitoring and documenting of human rights violations. The Office also assisted the networks in the highlands of PNG to receive funding from UNDP for projects and emergency protection funding from Oxfam and Amnesty International Australia. In two cases, the latter assisted in the protection of victims and human rights defenders from further attacks.

**Responsiveness of the international community**

_EA 10 - International community increasingly responsive to critical human rights situations and issues_

OHCHR supports the Human Rights Council in its efforts to respond to urgent, chronic and emerging situations. During 2011, OHCHR significantly increased the responsiveness and informed action of the international community with regard to critical human rights and humanitarian issues, especially with regard to the situation in countries in North Africa and the Middle East. OHCHR contributed to country-specific sessions through briefings and oral interventions and continued to engage with Member States to ensure that human rights violations in situations of armed conflict, violence and insecurity are on the agenda of relevant UN bodies, including the Human Rights Council, the Security Council and the General Assembly.

OHCHR advocated for the establishment of commissions of inquiry, investigation of allegations, making those responsible for human rights violations accountable and the provision of reparations for victims. In 2011, the Human Rights Council established three commissions of inquiry to investigate serious violations of human rights and humanitarian law in: Côte d’Ivoire, Libya and Syrian Arab Republic. OHCHR supported the commissions of inquiry and fact-finding missions through technical assistance, logistical, human and financial resources.
OHCHR's public statements and reports, including those presented to the Human Rights Council and the General Assembly, addressing country situations, are strong advocacy tools for UN organizations and international and national NGOs. For instance, OHCHR/UNAMA's reports on protection of civilians received worldwide media attention and raised the profile of the impact of conflict on civilians in Afghanistan. Similarly, following the High Commissioner's February 2011 mission to the OPT, her concluding statement was widely disseminated, significantly increasing the visibility of the human rights and humanitarian situations on the ground and the work of OHCHR in the territory, in the media and at the General Assembly and the Human Rights Council.

The Office's engagement with the Security Council notably increased in 2011, as exemplified by numerous requests for briefings. The High Commissioner delivered five briefings on the protection of civilians and the situations in Côte d'Ivoire, Libya, the Middle East, Sudan and Syria. As a result of these briefings, the human rights aspects of the crises were given prominence in public debates in the highest global forum. Specific language was integrated into the reports of the Secretary-General on country situations to the Security Council which stressed the need to establish transitional justice mechanisms in accordance with international standards. Specific language was also included in Security Council resolutions on the renewal of peace mission mandates while the Secretary-General made references to human rights during his missions and in meetings, on an almost daily basis. OHCHR is invited systematically to contribute to the Secretary-General's missions, speeches and meetings and is sometimes requested to accompany the Secretary-General on missions.

In October 2011, OHCHR organized a high-level panel discussion, entitled “Stopping reprisals for cooperating with the UN in the field of human rights - a priority for all,” during the 66th session of the General Assembly in New York. As a result of this panel, New York-based stakeholders participating in the General Assembly were sensitized about the issue of reprisals and intimidation against persons who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. The serious consequences of reprisals on the willingness and ability of people to cooperate with the UN and the importance of the UN reporting on, and appropriately reacting to, threats against human rights defenders were highlighted. The high-level participation, in particular by the Secretary-General, confirmed the importance of the issue.

Human rights components of field missions continued to monitor and investigate human rights implementation and promote access to justice for victims. Special investigation public reports were produced, for example, by the Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Human rights components also contributed information for the Secretary-General’s annual report on conflict-related sexual violence (A/66/657–S/2012/33).

In Guinea, OHCHR, with the support of the donor community, provided the Government with advice and support on the implementation of recommendations from the report of the Commission of Inquiry.

OHCHR continued to work closely with the Inter-American Commission on Human Rights (IACHR) in the area of citizen security. More specifically, the Office vigorously advocated for a human rights-based approach to fighting crime, violence and insecurity in various countries through: promotion of the joint IACHR/OHCHR/UNICEF “Report on Citizen Security and Human Rights,” organization of a side event on the issue during the General Assembly of the Organization of American States which was well attended by Government representatives; and the publication of a second joint report on juvenile justice and human rights. At the Southern Common Market (MERCOSUR) level, work continued towards the completion of a human rights-based citizen security policy that will be presented at the meeting of Security Ministers of MERCOSUR in June 2012.

4 “The concept of citizen security is the one that best lends itself to addressing the problems of crime and violence from a human rights perspective. In lieu of concepts such as ‘public security,’ ‘internal security’ or ‘public order,’ it represents an uncontroversial move towards an approach that focuses on building a stronger democratic citizenry, while making clear that the central objective of the policies established is the human person, and not the security of the State or a given political system. The expression ‘citizen security’ emerged, for the most part, as a concept in Latin America, as Governments made the transition to democracy, as a way to distinguish the concept of security under a democracy from the notion of security under the earlier authoritarian regimes. In the latter case, the concept of security was associated with concepts like ‘national security,’ ‘internal security’ or ‘public security,’ all of which refer specifically to the security of the State. Under democratic regimes, the concept of security against the threat of crime or violence is associated with ‘citizen security’ and is used to refer to the paramount security of individuals and social groups. By contrast to other concepts used in the region, namely ‘urban security’ or ‘safe city,’ citizen security refers to the security of all persons and groups, both urban and rural. Nevertheless, it is worth highlighting that the concept of ‘public security’ is still widely used in the United States and Canada to also refer to the security of the individuals and groups who make up society” (OEASer.L/VII. Doc.57., 2009, p. 7).
Human rights mainstreaming within the United Nations

**EA 11 - Increased integration of human rights standards and principles, including the right to development, into UN policies and programmes with respect to development, humanitarian action, peace and security and economic and social issues**

The Office endeavours to mainstream human rights into humanitarian action and advocate for a human rights-based approach in planning, preparedness, response and recovery activities.

OHCHR strengthened its efforts in 2011 in the area of conflict-related sexual violence. In addition to field-based monitoring, investigating and reporting on sexual violence and providing assistance to ensure that legislative and policy developments are in compliance with international standards, OHCHR continued to actively contribute to the implementation of Security Council resolution 1888 which urges Member States to take effective steps to halt the use of sexual violence as a tactic of war. In partnership with other members of the United Nations system, OHCHR supported the development of the Conceptual and Analytical Framing of Conflict-Related Sexual Violence, the Guidance Note on Monitoring, Analysis and Reporting Arrangements (MARA) and the terms of reference of Women Protection Advisers (WPA). Continued efforts are underway to support the implementation of UN Security Council resolutions 1325 and 1820. OHCHR worked closely with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and other partners in UN Action against Sexual Violence in Conflict to develop policy and operational guidance for the implementation of these resolutions. OHCHR’s participation in these processes aimed to ensure that policy and operational guidance built on and reinforced existing human rights work in the field and was guided by and anchored in human rights norms and principles.

During 2011, OHCHR enhanced its partnerships with the humanitarian community, especially through the IASC and the Global Protection Cluster (GPC). OHCHR contributed to the IASC’s endorsement of the Accountability to Affected Populations Framework which recognizes the primary responsibility of the State for people affected by emergencies. On 13 December 2011, the High Commissioner hosted and delivered the opening address at the IASC Principals meeting held at Palais Wilson. At the meeting, the IASC Principals adopted the Transformative Agenda, notable for its focus on empowered leadership, more effective coordination and an operational framework for accountability.

OHCHR also contributed human rights analysis to the IASC Early Warning - Early Action report, a tool to strengthen preparedness capacities. The Office also ensured the integration of human rights considerations into the revision of the Inter-Agency Standing Committee Handbook for Regional Coordinators and Humanitarian Coordinators on Emergency Preparedness and Response and the GPC development of a Rapid Protection Assessment Toolkit. The Office assisted in the design and review of training events and training materials, including an OCHA-organized series of regional workshops, on, inter alia, using international legal frameworks in humanitarian advocacy; working with partners in humanitarian contexts; the GPC training on protection coordination; and a training package on protection in natural disasters.

The Operational Guidelines on the Protection of Persons in Situations of Natural Disasters developed by the Special Rapporteur on the human rights of IDPs were presented to the Human Rights Council in 2011 (A/HRC/16/43/Add.5). The Guidelines have been widely disseminated, translated into several languages and are increasingly used by relevant stakeholders for guidance in the field and as a key reference and training tool.

In the field, the OHCHR Pacific Regional Office in Suva helped raise awareness about interest in considering displacement from a human rights point of view through its contributions to two studies on displacement in the Pacific; one by the Office and one by the Protection Cluster (co-chaired by OHCHR and UNHCR). In Nepal, OHCHR contributed to Protection Cluster contingency planning and the development of a protection assessment checklist. Similarly, the Office in Nepal promoted the application of a human rights-based approach in...
other Clusters, including Food, Education, Shelter, Camp Coordination and Camp Management Clusters, by providing substantive briefings on mainstreaming human rights protection into their respective Cluster planning and response strategies.

In Chad, the work of the Human Rights Adviser, in coordination with UNDP, enabled the inclusion of human rights issues relating to impunity and gender-based violence in a joint Project on Justice, Gender and Human Rights that was submitted to the Peacebuilding Fund. The work of the Regional Office for Central Asia (ROCA) in Kyrgyzstan resulted in human rights standards and principles being increasingly reflected in country policies, agency programming and advocacy by the international community. OHCHR currently co-chairs two working groups under the Development Partners’ Coordination Council on the Rule of Law and on Reconciliation and Peacebuilding. This aims at coordinating activities, strategizing and providing recommendations for advocacy for the broader international community. In Sri Lanka, OHCHR continued to play an active role as a member of various inter-agency fora where human rights and protection issues are addressed, such as the IDP Working Group and Advisory Task Force, the 1612 Task Force on Children in Armed Conflict, the Gender-Based Violence Forum and the Working Group on Demobilization, Disarmament and Reintegration.

In the 1612 Task Force on Children in Armed Conflict, the OHCHR integrates human rights and justice concerns. In the Darfur peace process, OHCHR assisted the efforts of the UNAMID Human Rights Component efforts to ensure that human rights were taken into account in the Darfur peace process. As a result of the advocacy work and active engagement by the human rights component of UNAMID, the Doha Document for Peace in Darfur, signed in May 2011 by the Government of the Sudan and the Liberation and Justice Movement, fully integrates human rights and justice concerns.

As a result of the HRS and Protection Cluster awareness-raising efforts on protection and forced evictions, the UNPOL developed internal guidelines which asserted that its personnel would not provide any support to the national police in Haiti in carrying out forced evictions and outlined the steps that should be undertaken in cases of alleged or threatened eviction.

With respect to mainstreaming human rights in system-wide activities related to the peace and security agenda, OHCHR’s contribution ensured that a human rights perspective was reflected in emerging key UN policies and guidance on protection of civilians, assistance to national security actors, sexual violence in conflict and peacebuilding.

To ensure that a human rights dimension is a core component of the UN’s support to national security actors, the Secretary-General adopted the Human Rights Due Diligence Policy in July 2011, the development of which was led by OHCHR and
DPKO. The Policy states that UN support cannot be provided to non-UN security forces when there is a risk that recipient entities may commit grave violations. OHCHR is currently working to ensure that the policy is implemented at the field level, notably in the context of conflict and post-conflict situations and that peace missions take the new policy into account in the implementation of their mandates.

OHCHR contributed to DPKO and DFS efforts to ensure more effective implementation of the mandates of peacekeeping operations to protect civilians. OHCHR contributed to the DFS/DPKO guidance document and Framework for the Drafting of Protection of Civilian Strategies in Peacekeeping Operations. The guidance document incorporates human rights throughout the work of peace missions on protection of civilians and guides missions in the development of sound strategies and contingency planning to prevent and respond to crises and human rights violations.

The Office provided input into the DPKO Early Peacebuilding Strategy to ensure that a human rights-based approach is successfully incorporated in the guidance it provides. OHCHR also provided substantive support to the DPKO/DFS Early Peacebuilding Strategy and contributed to other draft guidance on child protection, corrections and the police.

The DPKO training course for Military Experts on Mission, an important tool to integrate human rights into the work of military components, has been made available to peacekeeping training centres in draft. The Office provided text, advice and support for the development of the DPKO training course. OHCHR also updated materials, coordinated and delivered human rights training in courses organized by DPKO for 70 current and potential UN senior mission leaders.

Challenges and lessons learned

Security, crime and violence are complex and multidimensional issues and require holistic solutions with the concerted intervention of a wide variety of actors (Government, civil society, UN agencies and bilateral and multilateral funding agencies) and a high degree of coordination across sectors and areas of intervention (local, national and regional). OHCHR interventions are at the level of legislation and policy. Strong partnerships with a commonality of vision are required to help States establish coherent policies that are firmly based on human rights.

In the context of setting up commissions of inquiry/fact-finding missions, OHCHR systematically conducted lessons learned exercises to ensure greater cohesive planning and enable future commissions to be established in the light of best practices. For example, based on the experiences of the commissions of inquiry that were set up in 2011, the importance of developing a core secretariat team was emphasized, as was responsibility for developing a witness protection strategy and the inclusion of specific expertise, such as forensics or military advisers. Challenges to commissions of inquiry included: tight reporting deadlines; parallel investigations occasionally established by other UN bodies; multiple commissions of inquiry established simultaneously; and the lack of a readily available source of regular budget funding for these urgent and time-sensitive mandates, leading to ad hoc arrangements that complicated administrative procedures and undermined transparency. Member States must find a lasting solution for this unsustainable situation.
Human Rights Day 2011 (10 December) capped an historic year during which hundreds of thousands of individuals across the world decided that the time had come to claim their rights. Many of those protesting in the streets had been informed and galvanized through social media platforms.

Human Rights Day in 2011 explored the influence of the new communications platforms on movements for political and social change and hailed human rights defenders from all parts of the world who had stepped forward to demand their rights.

OHCHR worked with the international advertising agency, Lowe and Partners, which offered its services pro bono to provide a "microsite," Celebrate Human Rights, to promote the work of the Office and the ideals encompassed in the Universal Declaration of Human Rights. Since its launch, the microsite has received approximately 15,000 visitors. The agency also provided a visual identity for the Office, in the six official languages of the UN, that was shared with OHCHR partners and served as the basis for the development of special web pages on the OHCHR and UN websites. The OHCHR home page recorded nearly 1,250 unique visitors each day in the weeks leading up to Human Rights Day.

The “30 Days and 30 Rights” discussion that was launched on Facebook and Twitter, offered on Weibo in Chinese and Facebook in English, French and Spanish, attracted the attention of millions of followers. The Human Rights Day pages were viewed at least nine million times in the month leading up to 10 December.

In New York, the High Commissioner hosted a global conversation via Twitter and Facebook and attracted the attention of millions of people. Thousands of anticipatory questions were received from all over the world in Arabic, Chinese, English, French, Russian and Spanish. Many additional questions were submitted during the discussion.

The topics ranged from the current democracy protests in Egypt and protection of the rights of demonstrators, to the rights of minorities, and of women, migration, racism and corporate responsibility.

“I hope this conversation started you on the road to becoming active in the global human rights movement,” Pillay said in conclusion.

In Geneva, bloggers from Egypt, Mexico, Tunisia and Uganda, as well as an expert from the United Kingdom, discussed the opportunities offered by communication technologies of the 21st century and the profound impact they are having on all of our lives and the protection of human rights. They debated issues such as corruption, freedom of expression, censorship and the need for new ethical standards.

OHCHR’s field operations also celebrated 10 December with a wide variety of activities and events, including a human rights film festival in Port Moresby, Papua New Guinea, a discussion of the role of human rights defenders in Kosovo, an examination of the role of bloggers and social media in Beirut and a public meeting held at a hospital in Benghazi, Libya, which focused on the victims of human rights violations.