OHCHR’s approach to field work

Background

The work of human rights field presences on the protection and promotion of human rights is carried out with support from OHCHR headquarters, in cooperation with UN partners in the field, Government actors, regional organizations, civil society and national human rights institutions (NHRIs). In keeping with the coherence agenda of the UN, OHCHR provides senior United Nations officials of other entities with strategic advice regarding human rights matters when they engage with particular Member States and regional organizations.

Based on dialogue with national counterparts, the Office’s activities at country level (through headquarters or field presences) aim at preventing and reducing human rights violations. This occurs mainly through strengthening national protection systems, ensuring that Government authorities are aware of their human rights obligations, and designing effective remedies to overcome obstacles to the realization of human rights. Through its programmes in the field, OHCHR likewise seeks to ensure that national authorities and civil society actors have the capacity to address human rights concerns and are better informed about international human rights standards and how to translate these into laws, regulations and policies, ensuring that rights-holders are better protected and empowered. In particular, OHCHR supports efforts to establish or strengthen justice and accountability mechanisms at national level, including better monitoring and investigation and redress of violations of civil, political, economic, social and cultural rights.

In 2011, OHCHR established, in agreement with the Government, a Country Office in Tunisia and was laying the foundations for a Regional Office for North Africa. OHCHR also deployed Human Rights Officers within the United Nations Support Mission in Libya (UNSMIL). At the end of 2011, OHCHR was running or supporting 58 field presences.
Types of field presences

OHCHR field presences fall into two categories: stand-alone presences and collaborative arrangements. The first category comprises those offices, namely country, stand-alone and regional offices, under the direct supervision of OHCHR. The second category comprises field presences with double reporting lines, namely, human rights components of peace or political missions who report to the Head of the mission and the High Commissioner and human rights advisers (HRAs) in United Nations Country Teams (UNCTs) who report to the UN Resident Coordinator and the High Commissioner. The decision to establish an OHCHR country, stand-alone or regional presence is made with the concerned Government, taking into account the overall human rights situation, security considerations, the presence and role of other international actors on the ground, as well as available human and financial resources, administrative arrangements and the scope of activities to be undertaken.

Country and stand-alone Offices

OHCHR country and stand-alone offices are established on the basis of a standard agreement between OHCHR and the host Government. A mandate typically includes human rights monitoring, protection, technical cooperation activities and public reporting and is tailored to a specific country situation. These offices are primarily funded through voluntary contributions.

OHCHR has 13 country or stand-alone offices, namely, 11 country offices in Bolivia, Cambodia, Colombia, Guatemala, Guinea, Mauritania, Mexico, Nepal, Togo, Tunisia and Uganda and two stand-alone offices in Kosovo and the Occupied Palestinian Territory. The mandate of the Office in Nepal was not renewed by the Government of Nepal at the end of 2011 and the Office will therefore draw down its operations in early 2012.

Regional Offices and Centres

Regional offices are similarly established on the basis of an agreement with the host Government and in consultation with other countries in the region. These offices focus on cross-cutting regional human rights concerns and play an important role in supporting Governments in their engagement with the UN human rights mechanisms (treaty bodies, special procedures and Universal Periodic Review (UPR)). They work closely with regional and subregional intergovernmental organizations and with civil society. Regional offices complement the expertise of OHCHR country offices by providing support on institutional and thematic issues. In addition to the regional offices, OHCHR has regional centres that are established in accordance with General Assembly resolutions and imbued with a specific mandate. Regional offices and centres are funded by both the UN regular budget and voluntary contributions.

OHCHR has 12 regional presences comprised of: 10 regional offices in East Africa (Addis Ababa), Southern Africa (Pretoria), West Africa (Dakar), South-East Asia (Bangkok), the Pacific (Suva), the Middle East (Beirut), Central Asia (Bishkek), Europe (Brussels), Central America (Panama City) and South America (Santiago de Chile); a subregional centre for human rights and democracy for Central Africa (Yaoundé); and a Training and Documentation Centre for South-West Asia and the Arab Region (Doha). A regional office for North Africa is expected to be located in Cairo. Pending a final decision by the Egyptian authorities, regional activities are temporarily being conducted from Tunisia.

Human rights components of United Nations Peace and Political Missions

OHCHR supports human rights components of peacekeeping and political missions by providing expert advice, technical assistance and functional support on human rights issues. The Head of a human rights component in a peace or political mission is the representative of the High Commissioner for Human Rights in the mission country and has a dual reporting line: one to the Head of the peace mission and one to the High Commissioner. Based on Security Council resolutions, human rights components of peace missions typically focus on:

- Observing, investigating, documenting and reporting on the human rights situation;
- Ensuring that peace processes promote justice and equity;
- Preventing and redressing violations of human rights, with a focus on the protection of civilians and transitional justice;
- Building human rights capacities and institutions; and
- Mainstreaming human rights into all UN programmes and activities.

Most human rights staff in peace missions are contracted by the Department of Field Support which services peacekeeping and special political operations. OHCHR provides guidance and technical advice to the human rights components, and contributes to some technical cooperation activities through its voluntary contributions. The Office also participates in interdepartmental technical
OHCHR'S APPROACH TO FIELD WORK

assessment missions for the design, establishment and reconfiguration of peace operations.

Fifteen UN peace missions incorporate human rights promotion and protection into their mandated work, namely in: Afghanistan, Burundi, Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo (DRC), Guinea-Bissau, Haiti, Iraq, Liberia, Libya, Sierra Leone, Somalia, South Sudan, Sudan (Darfur) and Timor-Leste.

Human Rights Advisers in United Nations Country Teams

Human rights advisers are deployed at the request of UN Resident Coordinators on behalf of the UNCTs. Advisers assist the Resident Coordinators, Heads of UN agencies, and members of UNCTs to integrate human rights in their programming strategies and implementation and build and strengthen national human rights capacities. Other functions include:

- Advising and providing training to independent national human rights institutions;
- Advising duty-bearers on how to promote UN normative values;
- Building networks with, and providing practical support to, civil society actors; and
- Providing operational support to human rights training and/or national capacity-building activities.

Human rights advisers are normally funded through extrabudgetary contributions. In some instances, cost-sharing agreements have been concluded with UNDP and in other cases, these posts have been funded by the Action 2 programme (which has been superseded by the United Nations Development Group (UNDG) Human Rights Mainstreaming Mechanism (UNDG-HRM) since November 2009).

OHCHR has 18 human rights advisers in Chad, Ecuador, Great Lakes (based in Burundi), Honduras, Kenya, Madagascar, Moldova, Niger, Papua New Guinea, Paraguay, Russian Federation, Rwanda, Serbia, Sri Lanka, the Southern Caucasus (based in Tbilisi and covering Armenia, Azerbaijan and Georgia), Tajikistan, the former Yugoslav Republic of Macedonia and Ukraine.

Headquarters Support to Field Operations

At the end of 2011, 123 staff worked at headquarters in the Field Operations and Technical Cooperation Division. The Division during the past year has fully implemented its new structure, with three Branches to allow a more thorough coverage of geographic regions: the Americas, Europe and Central Asia Branch; the Asia-Pacific and Middle East Branch; and the Africa Branch. The Peace Mission Support and Rapid Response Section, the National Institutions and Regional Mechanisms Section and the Field Operations and Technical Cooperation Division (FOTCD) Universal Periodic Review Team reinforce headquarters' support to the field and other UN partners on the ground. Internal coordination for country-based initiatives, including with the treaty bodies, special procedures, the Human Rights Council, the UPR and thematic areas, has been further strengthened.

Cooperation with Humanitarian Agencies

At global level, OHCHR integrates human rights considerations and advocates for the adoption of a human rights-based approach (HRBA) into the strategies and policies of humanitarian initiatives through its engagement in a number of inter-agency mechanisms. These include the Inter-Agency Standing Committee (IASC) and other humanitarian processes, such as the IASC Sub-Working Group on Preparedness and Contingency Planning, the Executive Committee for Humanitarian Affairs, the Global Protection Cluster Working Group, the Humanitarian Coordinators Group and the Protection Capacity Steering Committee (ProCap). At field level, as a member of Humanitarian Country Teams and Protection Clusters, OHCHR is increasingly involved in humanitarian preparedness and response activities in both conflict crises and natural disasters, including by participating in the development of Common Humanitarian Action Plans, Flash Appeals and Consolidated Appeals Processes (CAPs). OHCHR’s participation in CAPs has benefited from more coordinated support from headquarters and streamlining within budgetary and strategic planning processes. In addition, OHCHR currently leads inter-agency Protection Cluster efforts in Fiji, Haiti, Nepal, the Occupied Palestinian Territory and Timor-Leste, while field presences are active members in Protection Clusters in many other countries. In May 2011, OHCHR endorsed an office-wide Strategy and four-year Action Plan for its engagement in humanitarian action to make the Office a more predictable, timely and effective actor in humanitarian preparedness and response.
In 2011, OHCHR continued to work in Africa through its 23 field presences and with the support of a small team of approximately 19 professional staff at headquarters. The presences are composed of four regional offices or centres (West, Central, East and Southern Africa); three country offices (Guinea, Togo and Uganda); six Human Rights Advisers (HRAs) within United Nations Country Teams (Chad, Great Lakes Secretariat (Burundi), Kenya, Madagascar, Niger and Rwanda); and 10 human rights components within UN peace or political missions (Burundi, Central African Republic, Côte d’Ivoire, Darfur (Sudan), Democratic Republic of the Congo (DRC), Guinea-Bissau, Liberia, Sierra Leone, Somalia and the Republic of South Sudan). OHCHR has continued providing support to the UN Office for West Africa (UNOWA). From headquarters, the Africa Branch provided substantive, technical and administrative support to all the presences. It also supported the work of the Independent Experts on the human rights situations in Côte d’Ivoire, Somalia and the Sudan as well as the Independent Commission of Inquiry established by the Human Rights Council to investigate the
facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d’Ivoire following the presidential elections of 28 November 2010.

Throughout the year, OHCHR worked to promote and protect human rights in an environment which includes a wide range of countries that share many similar human rights experiences and challenges, yet also have fairly significant differences. While a few countries continued to make steady progress towards democratization and the consolidation of human rights during this period, there were ups and downs in some, with noticeable deterioration in others. Among the common human rights challenges and trends were: a) profound violence against civilians and other vulnerable groups, often associated with conflict; b) sexual and gender-based violence (SGBV), including in the context of armed conflict; c) the suppression of freedoms and rights, usually in connection with political contests and elections; d) persistent patterns of discrimination on the basis of ethnicity, gender and religion; e) arbitrary arrests, detentions and extrajudicial killings; f) absence of the rule of law and lack of due process; and g) denial of basic economic and social rights. In several countries in the region, the impact of the global economic and financial crises added to already high levels of poverty and the denial of economic and social rights with high levels of unemployment, cutbacks in basic social services and deepening of poverty and inequality. In the Horn and Eastern Africa, the prolonged drought and food crises further aggravated the situation.

In parallel, progress has been achieved towards the establishment of regional and subregional human rights and justice institutions and in the implementation of decisions in a number of important cases. Many Governments increased their engagement with OHCHR and the treaty body system. Several of these Governments created interministerial committees to coordinate their treaty body reporting which enabled them to make progress in fulfilling their reporting requirements. The impact of these achievements will largely depend on progress made in implementation. The Universal Periodic Review (UPR) process continued to raise the profile of human rights among many States. While this is a welcome trend, the implementation of recommendations and their impact on the ground will have to be measured over time.

### Country Offices

#### Guinea (Conakry)

<table>
<thead>
<tr>
<th>Year established</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>5</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$1,295,978</td>
</tr>
</tbody>
</table>

#### Background

In 2011, the situation in Guinea was marked by several political developments, especially the beginning of a transition to a new Government expected to tackle challenges such as impunity, poverty, corruption, national reconciliation and human rights abuses. As part of this political transition, it was envisaged that the 2010 Presidential elections would be followed by parliamentary elections and that Parliament would then undertake the necessary institutional and legislative reforms. Parliamentary elections, however, have not been held because of disagreements between the governing party and the main opposition parties over the timetable for legislative elections and related issues. Nevertheless, the human rights situation in Guinea has improved since the post-electoral crisis that took place at the end of 2010. The Government has taken some steps towards reform of the security and judicial sectors and general institutional reform. Notwithstanding this progress, some of the structural and institutional impediments remain in place, including the persistence of impunity and weaknesses in the judicial sector as well as more generally in the national human rights protection framework.

The OHCHR Office in Guinea has a comprehensive mandate which covers technical cooperation, monitoring and protection functions throughout the country. The Office is comprised of headquarters in Conakry and one subregional office in Nzerekore. The major areas of activities include technical support in the establishment of a national human rights institution (NHRI), a Truth and Reconciliation Commission, security sector reform, administration of justice and engagement with human rights mechanisms. To this end, the Office closely cooperated with the Government by providing technical assistance and organizing seminars to build the capacity of actors and stakeholders. It also ensured the presence of a human rights-based approach in the Common Country Assessment and the United Nations Development Assistance Framework (CCA/UNDAF). In order to respect its monitoring mandate, the Office monitored and reported on the human rights situation of the country.
Results

National laws, policies and institutions (EA 1)

Security forces in five regions of the country have shown an improvement in crowd control techniques which has led to less confrontation with the population and a reduction in casualties caused by law enforcement agents. OHCHR has contributed to this improvement by training 250 police, gendarmes, customs officers and soldiers on human rights and law enforcement. Participants have continued restitution in their various units and a human rights component has been included in the courses of some military schools.

The Conseil National de la Transition reviewed draft legislation on the establishment of a NHRI. OHCHR provided technical assistance, made comments on the draft law and organized a workshop for actors and stakeholders on the process of establishing a NHRI based on the Paris Principles. The draft legislation incorporated the recommendations of the workshop and has been submitted to the President for promulgation into law. It is expected that the law will be adopted in 2012.

Access to justice and basic services (EA 4)

Through grants received from the UN Voluntary Funds for Victims of Torture (UNVFVT), three local non-governmental organizations (NGOs), namely: Association des victimes et des parents du massacre du 28 septembre 2009 (AVIPA); Même droits pour tous (MDT) and Centre Mère et Enfants (CME), were able to provide assistance to victims of torture. AVIPA is currently assisting victims, including girls and women who were raped by soldiers in the stadium and in captivity in the camp, to find revenue-generating activities that can help facilitate their reintegration into the society. The Centre Mère et Enfants offers medical and psychosocial care to victims of sexual violence. Several victims of the September 2009 events still suffer from physical and mental trauma. The project provides medical tests for rape victims, hospitalization and treatment. OHCHR was instrumental in assisting these NGOs to apply for and secure the funds from the UNVFVT.

Participation (EA 5)

The National Reconciliation Commission began its transitional justice processes with consultations. OHCHR-Guinea provided technical advice to the Commission and organized capacity-building workshops for civil society in Labe, Nzerekore and Mamou, where participants were trained on international human rights standards and methods of monitoring and reporting on human rights violations. A closer partnership with civil society enabled a continuous flow of accurate information and reports, especially from the interior of the country where OHCHR does not have a presence.

State engagement with human rights mechanisms (EA 6)

The plan of action to implement UPR recommendations has been adopted and will be disseminated across the country in 2012. This plan of action takes into consideration recommendations issued by human rights treaty bodies. It also incorporates the country’s national plan of action for the promotion and protection of human rights for the period 2012-2015. OHCHR organized several workshops during which the plan of action was drafted.

Responsiveness of the international community (EA 10)

The Office regularly briefed the diplomatic corps and other international partners on the human rights situation in the country. The information enabled members of the diplomatic corps to assist the victims of the September 2009 massacre and allowed the international community to provide the Government with strategic advice for the implementation of recommendations stemming from the Commission of Inquiry’s report.

Challenges and lessons learned

The persistence of impunity constitutes a major challenge to the respect for human rights in Guinea. The International Commission of Inquiry dispatched by the Human Rights Council in December 2009 recommended that the perpetrators of human rights violations on 28 September 2009 be brought to justice. Despite the Government’s appointment of a pool of three judges, none of the alleged
perpetrators cited in the Commission’s report have been prosecuted. Numerous challenges remain for the judges and OHCHR is advocating for a continuation of the investigations.

The transitional justice process, which was expected to gather speed after several declarations by the President, appears to have stalled. OHCHR provided technical assistance to the Provisional National Reconciliation Commission and expects a better commitment to the process of national reconciliation in 2012. This is expected to improve the tense political dialogue that took place during the year. The transition process has also been delayed as a result of a political impasse between the Government and the opposition and due to divisions between the parties on the modalities for holding of legislative elections.

In addition, the Government has expressed its will to establish an independent, statutory NHRI in accordance with internationally recognized standards for national human rights institutions. This will require further monitoring and assistance by the Office in 2012.

<table>
<thead>
<tr>
<th>Guinea: Expenditure in 2011</th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
<td>-</td>
<td>664,135</td>
</tr>
<tr>
<td>Consultants</td>
<td>-</td>
<td>9,528</td>
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<tr>
<td>Official travel</td>
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<td>44,299</td>
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<tr>
<td>Contractual services</td>
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</tr>
<tr>
<td>General operating expenses</td>
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<td>131,431</td>
</tr>
<tr>
<td>Supplies &amp; materials</td>
<td>-</td>
<td>229,323</td>
</tr>
<tr>
<td>Seminars, grants &amp; contributions</td>
<td>-</td>
<td>41,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>-</td>
<td>1,146,883</td>
</tr>
<tr>
<td>Programme support costs</td>
<td>149,095</td>
<td>1,295,978</td>
</tr>
</tbody>
</table>

**Background**

The peace and reconciliation process that was initiated in 2006 with the Global Peace Agreement (GPA), which aimed at putting an end to the political and ethnic tensions and repeated outbursts of violence, stayed on course despite many challenges. The work of the Truth, Justice and Reconciliation Commission (TJRC) made notable advances, including the conclusion of the phase of the public audiences in all parts of the country by the end of 2011. Its final report is due in March 2012. The constitutional and institutional reform process and the modernisation programme of the justice system have yet to be completed. The local elections initially planned for 2011 were postponed until 2012. Advances in the field of human rights and financial and economic areas allowed the Government of Togo to benefit from renewed engagement with its main development partners as well as major debt relief, encouraging the Government to work towards poverty reduction and the attainment of the Millennium Development Goals (MDGs).

Constitutionally guaranteed freedoms of assembly and the press are generally respected. Civil society organizations (CSOs) freely engage in human rights activities and the Government has acknowledged their constructive contribution. The harmonization of national legislation and policies with human rights norms and building the necessary capacity of State entities and civil society actors remain critical tasks.

The OHCHR Office in Togo focused its interventions on several priority areas. It continued to provide the TJRC with substantial technical advice and training and encouraged the strong involvement of civil society. It closely cooperated with the Government to prepare Togo’s report under the UPR mechanism, assisting with training on the drafting of the national report in a broad and participatory process. The Office also coordinated a common submission of the UN system in Togo and extended guidance to CSOs for the drafting of a joint stakeholder contribution. It participated in the justice modernization programme through the organization of two comprehensive training programmes on human rights norms in the administration of justice. In line with its mandate, the Office continued monitoring the human rights situation, shared its concerns with authorities and trained national non-governmental organizations.

Results

National laws, policies and institutions (EA 1)

In May 2011, a draft law on public gatherings and demonstrations was adopted by Parliament and signed by the President of the Republic. The first draft text proposed by the Government after a workshop co-organized with the Office in December 2010, which included a restricted number of participants, caused significant public criticism. A second workshop held in March 2011, which included the broad participation of CSOs and political parties as suggested by the Office, resulted in a largely consensual draft. The Office maintained that the Law should be in line with the principles and provisions of the International Covenant on Civil and Political Rights (ICCPR) and take into account the concluding observations issued by the Human Rights Committee after its examination of Togo’s fourth periodic report. The new Law guarantees the right to public gatherings, provided that the authorities are informed at least five days ahead of the event, instead of the previous practice of requiring authorization through a ministerial decree. The Law does not exclude normal workdays for such initiatives.

► As a result of separate funding received from the Regular Programme of Technical Cooperation, the Office, in collaboration with the Justice and Security Ministries, carried out a training programme for magistrates and criminal investigative police officers on human rights norms in the administration of justice. An average of 40 participants participated in six 4-day sessions in the five regions of Togo, the last of which was held in the capital Lomé. This programme was the first of its kind to bring together magistrates and criminal investigative police officers to jointly discuss the daily challenges faced in the performance of their duties and the need to apply correct legal procedures in compliance with human rights law. These trainings contributed to enhancing the capacity of magistrates and criminal investigative police officers to apply human rights norms in their work.

► To address the backlog of criminal cases awaiting trial, three special sessions of the Cour d’Assises were held thanks to the financial support of the Office to the Ministry of Justice. The Cour d’Assises is a special, non-permanent court with the competence to judge criminal offenders with two seats in Lomé (18 and 15 cases) and one in the Kara (15 cases) region. The Court generally only sits once a year in each region.

Justice and accountability mechanisms (EA 3)

► While the authorities were generally open and cooperative in 2011, the Office did not gain access to the nine detainees being held in relation to the 2009 coup attempt at the National Intelligence Agency (ANR); despite a series of initiatives that were undertaken at the local and headquarters levels, particularly in light of repeated allegations of torture. In May 2011, the Office participated in a meeting of human rights defender organizations with the Ministers of Human Rights and Justice regarding the torture allegations. The issue of torture was also raised, respectively, by the Committee against Torture and the Human Rights Committee in March 2011. The trial took place in October 2011 and was closely monitored, documented and analysed by Office staff. Among the defendants, all of those who had been held briefly or throughout their detention at the ANR indicated they had been submitted to various forms of bad treatment or torture. As a result of the systematic torture allegations raised during the trial, the Government asked the National Human Rights Commission (CNDH) to conduct an investigation. The report was issued in February 2012.

► Over 60 individual complaints were received by OHCHR-Togo and several of them were resolved through legal advice or the good offices of OHCHR with relevant authorities. The Gendarmerie, justice and security ministries regularly extended their cooperation to the Office, although by the end of 2011, some particularly emblematic cases were still pending (Agbobli/2008, Tudzi/2005 and others).

► Although not at the pace anticipated, the TJRC achieved significant progress during the year. Based on the accounts of witnesses and received testimonies, the TJRC carried out investigations and organized public and private audiences throughout the country. Altogether, 424 public hearings were conducted, including 28 behind closed doors, 51 in private and five through video conferencing. Several factors made the work of the TJRC particularly challenging, notably the refusal of the political opposition to support its work and its inability to summon witnesses by subpoena or grant amnesties.

► Throughout the year, the Office continued to provide advice and guidance to the TJRC on strategies, planning, administration, implementation and multifaceted training. It also
supported the important civil society platform established to support Togo’s transitional justice process, particularly in view of the ongoing political tensions. The Office provided substantial training to TJRC staff recruited for the analysis of more than 20,000 collected testimonies, those recruited for the subsequent investigations and TJRC members in preparation of the public hearings. Ahead of the hearings outside the capital Lomé, the Office mobilized, sensitized and trained regional civil society networks, including by involving local radio stations to ensure the broadest possible popular awareness and participation in a challenging political environment. At the end of November, the Office provided major assistance to the TJRC in the organization and implementation of a three-day workshop on the issue of reparations for victims of political violence and human rights violations. More than 60 representatives from Government, State institutions and CSOs participated.

**Participation (EA 5)**

- Approximately 30 NGOs in Togo’s northern and southern regions monitored public protest demonstrations and observed trials, mainly in the capital Lomé, following two 3-day workshops during which the Office trained NGOs on the techniques of human rights monitoring. During the demonstrations and trials, NGO representatives wore jackets provided by the Office to allow them to be clearly identifiable as human rights observers.

**State engagement with human rights mechanisms (EA 6)**

- In 2011, Togo successfully participated in the Universal Periodic Review (UPR) process. Togo accepted most of the 133 recommendations made by Member States, except those recommending ratification of the Rome Statute of the International Criminal Court and calling for the decriminalization of same-sex relations. The Government prepared the national UPR report with broad participation from civil society, including those from the interior of the country. The Office and the Human Rights Ministry co-organized various sensitization and information workshops, including with the media and CSOs. Two workshops were organized outside Lomé in order to solicit contributions from local CSOs and other actors for the national report. A two-day national validation workshop took place in June. The Ministry also benefited from a five-day review workshop with an expert team dispatched by the *Organisation Internationale de la Francophonie* in May 2011.

The Office engaged in follow-up on the recommendations of the UPR which were used as a guidance tool for the elaboration of the annual workplan 2012.

**Human rights mainstreaming within the United Nations (EA 11)**

- The Office ensured that UN agencies applied a human rights-based approach in planning their programmes. To this effect, OHCHR-Togo continued to lead the UNDAF working group on the promotion of good governance and human rights.

**Challenges and lessons learned**

While the political environment and its limited mandate did not facilitate the work of the TJRC, it did demonstrate the importance of overcoming past injustices and abuses and the need to strengthen the rule of law and democracy. The Government’s support for the TJRC has been an essential factor in this context. In its final report, the Commission is expected to establish responsibilities, suggest forms of reparations for victims and formulate proposals on how to promote reconciliation and peaceful development, including constitutional and institutional reforms. The full engagement of the Office in support of the TJRC has been an important contribution to the results achieved, including by facilitating broad-based civil society involvement.

In a context of protracted political tensions, with brief periods of time between the elections that regularly revive them, it is challenging to create a sustainable human rights-sensitive environment and measure the effective impact of OHCHR’s interventions.

### Togo: Expenditure in 2011

<table>
<thead>
<tr>
<th></th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
<td>- 568,018</td>
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<tr>
<td>Consultants</td>
<td>- 151,222</td>
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<tr>
<td>Official travel</td>
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<td>Contractual services</td>
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<td>General operating expenses</td>
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<td>Supplies &amp; materials</td>
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<td>Seminars, grants &amp; contributions</td>
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<td>Subtotal</td>
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<td>Programme support costs</td>
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<tr>
<td><strong>GRAND TOTAL</strong></td>
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Uganda

<table>
<thead>
<tr>
<th>Year established</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>50</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$2,950,449</td>
</tr>
</tbody>
</table>

Background

The 2011 general election in Uganda was conducted in relative peace, marking an improvement over past elections. Legal and technical shortcomings and voter bribery, however, affected the freeness and fairness of the process. The post-electoral period was marked by a protest named “Walk to Work,” in response to the rising cost of living in Uganda. The protests were declared unlawful and security forces responded with excessive use of force resulting in violations of the right to life, liberty and security of the person.

Uganda was reviewed under the Universal Periodic Review (UPR) in 2011 with many civil society organizations (CSOs) as well as the United Nations Country Team (UNCT) submitting stakeholder reports. The Government presented its report to the Human Rights Council with voluntary pledges, including the creation of a follow-up mechanism and the development of a national human rights action plan.

In Northern Uganda, the Government and international actors are discussing a second phase of the Peace Recovery and Development Plan. Key issues regarding the enjoyment of the right to health, education, housing and access to land for returnees and remaining internally displaced persons (IDPs) are still of concern and linked to major problems in access to justice and the effective implementation of Government programmes. During 2011, the Justice Law and Order Sector implemented consultations on a transitional justice policy to respond to the rights of victims to reparation, truth and justice.

In Karamoja, the Uganda People’s Defence Force (UPDF) is gradually handing over law enforcement operations to the Uganda Police Force. Nevertheless, the Office continues to document cases of arbitrary detention, torture and extrajudicial killings, which remain as serious human rights concerns. In 2011, the UPDF, in order to comply with a 2009 Constitutional Court ruling, issued a directive to cease trials of civilians in court martial. While a positive development, the transfer of cases to the ordinary justice system presents several challenges.

The OHCHR-Uganda Country Office mandate was renewed in October 2011. The Office, which is headquartered in Kampala and has four sub-offices in Northern Uganda, is monitoring the human rights situation and acts as a link between national actors and the international human rights system by enhancing knowledge and raising awareness about international human rights standards, sharing best practices on the promotion and protection of human rights and extending technical assistance and capacity-building to national actors, especially the Uganda Human Rights Commission (UHRC).

Results

National laws, policies and institutions (EA 1)

- **Target not achievable within the biennium:** The UPDF and police increasingly comply with international human rights standards in handling civil and political rights (personal security, bodily integrity and public freedoms), including in relation to the Karamoja Disarmament process and the political context before, during and after elections. Through various trainings on human rights protection, law enforcement and monitoring during elections, the UPDF and police have begun to comply with international human rights standards in handling civil and political rights (personal security, bodily integrity and public freedoms), including in relation to the Karamoja Disarmament process and the political context before, during and after elections. The UPDF in Karamoja is now rolling out its own training for Local Defence Units (LDUs) and UPDF command based on material provided by OHCHR and UHRC.

- **Target:** Legislation or policies in three areas (law enforcement, in particular torture, public order management; non-discrimination, in particular disability, HIV, gender, lesbian, gay, bisexual and transgender (LGBT) issues; and social development and health) which are increasingly compliant with international human rights standards.

In the area of law enforcement, OHCHR provided legal analysis on human rights compliance of both the Prohibition and Prevention of Torture Bill and the Public Order Management Bill. The Anti-Torture Bill complies with international standards as a result of a drafting process and consultations led by the National Coalition against Torture, comprised of CSOs and the UHRC. The Public Order Management Bill tabled by the Government generally fails to comply with international human rights standards on public freedoms and the use of force and firearms. The Bill was tabled in Parliament without previous consultation. OHCHR provided comments to the Parliamentary Committee and expects the Bill to be amended upon second reading. OHCHR analysed and provided comments on the
compliance with international standards of the three discrimination-related laws pending before Parliament, namely the Anti-Homosexuality Bill, the HIV/AIDS Bill and the amendment of the Disability Act. The Anti-Homosexuality Bill is contrary to the principle of non-discrimination as it criminalizes sexual orientation and gender identity, imposes the death penalty for aggravated homosexuality, criminalizes by association the interventions of human rights defenders and conflicts with the international treaty obligations of Uganda. The draft amendment of the Disability Act largely took into account key aspects of protection, personal autonomy and confidentiality principles. The Draft Bill on Mental Health was substantially reviewed based on the recommendations of OHCHR and civil society.

Target not achievable within the biennium: District authorities incorporate a human rights-based approach (HRBA) in the formulation of their district plans.

Following the training and advocacy work by OHCHR, by the end of 2011, officials in 21 districts had committed themselves through declarations and action points to integrate human rights norms and principles in their district development plans and programmes. Follow-up to activities showed progress in the integration of HRBA. Due to training provided by OHCHR, CSOs developed their capacity to monitor the human rights aspects of district plans and committed themselves to participate in the planning process.

Target: The Professional Standards Unit is functioning to some extent in the area of investigation in cases of human rights violations.

OHCHR sensitized the specialized Units of the police on the importance of investigating human rights violations committed by the police. The Professional Standard Unit (PSU) of the Uganda Police Force (UPF) was created in 2007 as an internal disciplinary administrative mechanism. Though the PSU does not yet have the tools or resources to address human rights violations, a human rights desk has been tasked with opening internal investigations on reported human rights violations.

Following allegations of human rights violations, OHCHR established regular monitoring of the Rapid Response Unit (RRU) of the UPF and liaised with the RRU authorities on the progress of the cases of the detainees, facilitated access to medical treatment, the release of foreign citizens and communication between family members, lawyers and consulates when requested.

Target: Increased compliance of the local council courts (LCCs) with international human rights standards.

OHCHR monitored the functionality and procedures applied by LCCs and piloted a mapping exercise of 21 local council courts in northern Uganda, Lango Karamoja and Teso. As a result of training on applicable human rights standards provided by OHCHR in Lango, the quality of LCC cases that are heard on appeal by the Magistrates Courts has improved. In particular, in four districts in Lango and Teso, the local Government took action to fulfil their role with regard to LCCs.

Justice and accountability mechanisms (EA 3)

Target not achievable within the biennium: The level of compliance of one institution (the International Crimes Division) with international human rights standards has significantly improved.

A Technical Task Force on Witness Protection Guidelines was established under the International Crimes Division (ICD). OHCHR elaborated the first draft of the Witness Protection Guidelines and provided technical assistance with the help of an international consultant. The draft is under revision. Beyond the specific target, OHCHR achieved progress on the planned result (“Relevant practices, laws and policies establishing reparations, reconciliation and victims and witness protection are in compliance with international human rights standards”) in the following areas:

- The Uganda Law Reform Commission (ULRC) convened, with OHCHR, two key workshops on witness protection targeting practitioners and high-level Government representatives of the justice sector. These forums provided inputs into the current draft Witness Protection Bill which was developed and validated by stakeholders at a national event.
- In addition, OHCHR partnered with the Justice Law and Order Sector and the Judicial Studies Institute to convene a judicial colloquium on witness protection in a transitional justice
context. A taskforce on witness protection has been created as a result of the conference.

- The Uganda Human Rights Commission carried out field consultations in collaboration with OHCHR on reparations and remedies for victims of the armed conflict. The thematic report was launched in 2012 and will contribute to national discussions on transitional justice. The Northern Uganda Coalition on Truth Telling and Reparations was established and civil society revised the National Reconciliation Bill. OHCHR funded the Coalition and provided training and technical assistance to conduct consultations with victims on the impact of the conflict on the life of survivors and develop a report and strategy for an advocacy campaign. OHCHR provided input into the National Reconciliation Bill.

- Target not achievable within the biennium: The judiciary and traditional justice mechanisms increasingly address rights protection needs for Internally Displaced Persons, especially extremely vulnerable individuals (EVIs, women and juveniles) in accordance with international human rights standards. Awareness was raised within the District Human Rights Promotion and Protection Subcommittee (DHRPP), District Coordination Committee (DCC), Child Protection and Gender-Based Violence Working Group on the need for traditional justice mechanisms to address the right to protection of IDPs, EVIs, women and juveniles. OHCHR contributes regularly to these stakeholder meetings with technical advice, guidance and advocacy on human rights issues. In particular, the following results can be mentioned:
  - After a meeting with the Lango Cultural Foundation, the rights of children subjected to forced marriage were raised. An outreach strategy for sensitization of the communities is now underway.
  - The Grade II Magistrates in Soroti and Lira granted the unconditional release of, respectively, 15 out of 22 and two out of seven street children, following a joint intervention of OHCHR and UHRC on arbitrary detention of children.

- Result for which no target was set: The Ministry of Gender, Labour and Social Development (MGLSD) developed culturally accessible communications on key recommendations from the Committee on the Elimination of Discrimination against Women (CEDAW). OHCHR designed and implemented this project with the Ministry in three districts. MGLSD is developing a programme for action which should strengthen coordination of the implementation of CEDAW recommendations. OHCHR provided technical support to this process. The initial State Party report under the International Covenant on Economic, Social and Cultural Rights (ICESCR) was elaborated (24 years overdue) and is now in its final phase under the lead of MGLDS and the Ministry of Foreign Affairs. OHCHR participated in the process for several years and provided technical assistance on data collection and reporting guidelines.

- Civil society engagement with human rights mechanisms (EA 7)
  - Result for which no target was set: OHCHR assisted in the submission of communications to special procedures of the Human Rights Council and gathered relevant information on the basis of its monitoring mandate.

- Responsiveness of the international community (EA 10)
  - Result for which no target was set: The international community, Resident Coordinator of the UNCT and civil society actively engaged with the Government to hold accountable those police officers accused of committing human rights violations during the Walk to Work protests. OHCHR contributed to this result by publishing two press statements immediately after the events on the observed human rights concerns and held high-level meetings with the Government (UPF, MFA) and members of the international community (Ambassadors, the Justice Law and Order Sector, Development Partner Working Group). The public visibility of OHCHR-Uganda
while monitoring the Walk To Work protests, combined with the clear policy position of the Office on the events, strengthened the relationship with civil society.

Challenges and lessons learned

OHCHR found that there is a legal and policy gap in holding security forces accountable for human rights violations, in particular with reference to the use of force. Legislative reform is needed to clearly indicate accountability mechanisms, define substantive areas of accountability and provide for the effective investigation of, and sanctions for, human rights violations. In particular, although the Government acknowledges human rights violations occurred during the Walk to Work events and granted OHCHR access to information, police investigations have not focused on human rights violations and have rendered few results.

OHCHR will work to build stronger partnerships with Parliament and the media to deliver key messages on international human rights standards more effectively and link such messages to national objectives related to good governance, the rule of law, development, democracy and human security.

While lead Ministries increasingly committed themselves to working on treaty body reporting, important gaps remain in terms of communication and inter-institutional coordination for the collection and evaluation of information, the integration of human rights-relevant indicators in planning tools and follow-up on recommendations. The UPR is a key tool to assist the Government in achieving further progress.

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<th>Region</th>
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Regional Offices and Centres

United Nations Centre for Human Rights and Democracy in Central Africa/OHCHR Central Africa Regional Office (Yaoundé, Cameroon)

| Year established | 2001 |
| Staff as of 31 December 2011 | 14 |
| Expenditure in 2011 | US$1,751,556 |

Background

The year 2011 was an electoral year in the subregion, with local, legislative and presidential elections being conducted in Cameroon, the Central African Republic, Chad, the Democratic Republic of Congo, Gabon and Sao Tomé and Principe. Although most of the elections took place in a relatively calm atmosphere, they were also characterized by the reinforcement of existing regimes in power, voter apathy and low turnouts, as well as alleged irregularities. Discrimination continued to be a major problem in the subregion, including against sexual minorities, persons with disabilities and indigenous peoples (IPs). Human rights activists working on issues related to sexual orientation faced arbitrary arrests and detention, discrimination, intimidation and harassment, as well as violations of their right to privacy.

During the reporting period, many countries of the subregion engaged in strengthening implementation of their international human rights commitments. All Central African States participated in the Universal Periodic Review (UPR) process, and in several States, national follow-up processes have been adopted as best practices in other regions. Efforts to implement UPR recommendations included the establishment of national dialogue with civil society, the identification of priority actions and the creation of new partnerships with United Nations Country Teams (UNCTs) and bilateral development partners. Countries in the subregion also considerably increased their collaboration with the special procedures of the Human Rights Council.

By virtue of its unique dual mandate (human rights and democracy), the Regional Office for Central Africa (CARO) works for the promotion and protection of human rights and democracy through advocacy, lobbying, dialogue, technical assistance and advisory services extended to Governments, parliaments, national human rights institutions
(NHRIs), election management bodies, UNCTs, civil society organizations (CSOs) and the media. Though the Office covers the 10 Member States of the Economic Community of Central African States (Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Sao Tomé and Principe) and Rwanda, it has focused its activities on the countries in the subregion without human rights field presences, namely: Cameroon, Congo, Equatorial Guinea, Gabon and Sao Tomé and Principe, as well as Chad (after MINURCAT’s withdrawal).

The Office forged strong working relations with the newly established United Nations Office for Central Africa (UNOCA) in Gabon and continued close cooperation with UNCTs in Cameroon, Congo, Equatorial Guinea, Gabon and Sao Tomé and Principe, including within the framework of various United Nations Development Assistance Framework (UNDAF) processes which reflected human rights and human rights-based principles to ensure maximum impact of the work of UN agencies, funds and programmes.

Results

National laws, policies and institutions (EA 1)

Target not achievable within the biennium: Institutionalization of human rights training for law enforcement professionals and prison administration officials in some countries of the subregion.

In Cameroon, the National Police Training Institute and the National Prison Administration Institute institutionalized human rights training in their curricula, following the Office’s advocacy, technical advice and training of trainers. Similar discussions are underway in Equatorial Guinea.

Target: The NHRI works in conformity with international standards in Cameroon to a high degree.

The Office facilitated and funded technical advisory services and training for Cameroon NHRI commissioners and staff to, inter alia, more effectively address individual cases alleging human rights violations. As a result, commissioners and staff of the NHRI acquired skills in human rights monitoring and have a better knowledge on how to handle and respond to individual complaints.

Target: NHRI works in conformity with international standards to some extent in Gabon, the Republic of Congo and Sao Tomé and Principe.

Thanks to advocacy efforts by the Regional Office for Central Africa, Gabon has undertaken important steps to operationalize its national human rights commission. The members of the Commission have been appointed and a review of the law establishing the Commission is envisaged to make it compliant with the Paris Principles. In Congo, CARO organized a seminar for NHRIs to sensitize stakeholders on the steps needed to ensure compliance of their NHRI with.
the Paris Principles (currently accredited with “B” status). As a result, the Government has taken steps to review the current law establishing the Commission to ensure its full compliance with the Paris Principles. With the technical assistance from, and advocacy efforts by, the Office, the Government of Sao Tomé and Principe has taken steps to establish an independent national human rights commission that is compliant with the Paris Principles.

**Target not achievable within the biennium:**

*Increased compliance of legislation/policy with international human rights standards in relation to economic, social and cultural rights (ESCR).*

The Office’s work in the area of economic, social and cultural rights began in 2011. Civil society organizations and public administration officials from seven Central African countries were trained in ESCR and the application of a human rights-based approach (HRBA) to budgeting and monitoring, including in relation to women’s rights. It is anticipated that national follow-up activities in 2012 in at least two countries of the subregion will lead to institutional, legal and/or policy changes at the national level.

**Target:**

*The level of compliance of two institutions (election management body and Parliament) with international standards in the area of elections has significantly improved in Cameroon.*

The Office’s work in the area of economic, social and cultural rights began in 2011. Civil society organizations and public administration officials from seven Central African countries were trained in ESCR and the application of a human rights-based approach (HRBA) to budgeting and monitoring, including in relation to women’s rights. It is anticipated that national follow-up activities in 2012 in at least two countries of the subregion will lead to institutional, legal and/or policy changes at the national level.

**Target:**

*Compliance of legislation/policies with international human rights standards improved significantly in five human rights areas (disabilities, indigenous peoples, migrants, gender and victims of trafficking), including from a gender perspective, in Cameroon, Congo, Equatorial Guinea, Gabon and Sao Tomé and Principe.*

Following advocacy and technical support provided by the Office in Cameroon, a national law on the rights of indigenous peoples (IPs) is being drafted. In addition, a national study on the rights of indigenous peoples was validated as a step towards the adoption of a national law protecting the rights of indigenous peoples. OHCHR, in collaboration with other actors, including ILO, succeeded in ensuring that the participation of IPs in the electoral process was placed on the agenda of political parties. Efforts were also undertaken to sensitize civil society and the media. Following joint advocacy efforts by and technical advice from the Office, the Special Rapporteur on indigenous peoples and the UNCT, a national law on the rights of indigenous peoples was adopted in Congo. The law is fully compliant with international human rights standards and is the first of its kind in Africa.

The Office raised awareness of the human rights-based approach to migration and trafficking through advocacy and subregional workshops. Initiatives are underway at the subregional and national levels to ensure that legislative and policy frameworks integrate the principles and guidelines concerning human rights and trafficking in persons in Cameroon, Congo, Equatorial Guinea and Gabon. Following a subregional dialogue on migration and human rights organized by the Office, the Ministry of Territorial Administration of Cameroon has requested specialized training on human rights and migration for immigration officials. Training on human rights and migration for Equatoguinean security forces was postponed until 2012. Thanks to advocacy efforts undertaken by the Office, the United Nations Standing Advisory Committee on Security Questions in Central Africa (UNSAC) placed the issue of trafficking in persons on its agenda.

In Gabon, a workshop was organized with Disabled People’s Organizations in order to build their capacity on the content of the Convention on the Rights of Persons with Disabilities (CRPD) and the role of its treaty body. The Gabon NHRI was proposed as a coordination organ. In Cameroon, PWDS were sensitized about the importance of their political participation and as a result of CARO’s advocacy efforts, the Election Management Body made some polling stations accessible for PWDS during the October 2011 elections.

CARO built the capacity of Heads of field presences and gender facilitators on gender integration in the Central Africa subregion as well as for the staff of the Cameroon Ministry of Women’s Empowerment and Family Affairs. During a general training on reporting procedures for Congo’s Intermeshinistral Committee in charge of reporting to the treaty bodies, information was presented on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), its Optional Protocol and its monitoring Committee. The issue of gender responsive budgeting was presented during the subregional workshop on the application of a human rights-based approach to policymaking and budgeting (Cameroon) for representatives of the Cameroon multi-partner gender thematic group and members of the...
Government. CARO also advocated for the use of gender responsive budgeting as a tool to realize women’s human rights during the High-level Global Meeting on Increasing Accountability and Development Effectiveness through Gender Responsive Planning and Budgeting in Rwanda. In Cameroon, attention was systematically drawn to the issue of women’s political participation, particularly in relation to activities targeting a large audience or civil society. Finally, throughout these events, CARO raised awareness on multiple forms of discrimination faced by indigenous women, women living with disabilities and elderly women.

**Ratification (EA 2)**

- Results for which no target was set: Thanks to advocacy and sensitization efforts undertaken by the Office, Cameroon ratified the African Charter on Democracy, Elections and Governance. The Government of Cameroon also committed itself to ratifying the CRPD following joint systematic advocacy efforts undertaken by the Office, Sightsavers and PWD organizations.

**Participation (EA 5)**

- Result for which no target was set: Human rights civil society organizations in Cameroon produced reports on elections from a human rights perspective following training and documentation provided by the Office.
- Result for which no target was set: Organizations of persons with disabilities, indigenous peoples’ organizations and women’s groups participated as observers in the elections in Cameroon as a result of OHCHR’s training and a publication on elections and human rights. Media professionals were able to cover elections from a human rights perspective following the Office’s training and mentoring programme on human rights in the context of elections.

**State engagement with human rights mechanisms (EA 6)**

- Target not achievable within the biennium: By 2011, at least five countries increasingly followed up on recommendations of international and regional human rights mechanisms, particularly UPR.

OHCHR advocated for the establishment of an interministerial committee to follow-up on all recommendations issued by human rights mechanisms. As a result, Government officials and representatives of CSOs from Cameroon, Gabon and Sao Tomé and Principe received relevant training. A national road map to implement such recommendations was adopted in Cameroon, Congo, Gabon and Sao Tomé and Principe. In Gabon, a national mechanism for the implementation and monitoring of the CRPD through interministerial action was established following a national training workshop organized by the Office.

- Target: In Cameroon, three visit requests from the special procedures of the Human Rights Council resulted in a visit (pending the availability of the mandate-holders).
- Advocacy efforts of the Office led to the invitation by Cameroon of three special procedures mandate-holders (Water and Sanitation, Press Freedom and Minorities). Regrettably, these missions did not take place during the period under review due to the limited availability of the mandate-holders.

- Target: In Congo, one visit request by special procedures resulted in a visit within 12 months.

In 2011, a delegation from the Working Group on enforced or involuntary disappearances visited the country. The Working Group made a number of recommendations to the Government of Congo, including ratification of the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible.

- Target: In Cameroon, five out of 10 reports to UN treaty bodies were submitted (50 per cent).

In 2011, Cameroon submitted its fourth and fifth periodic reports to the CEDAW Committee and the second and third periodic reports to the Committee on Economic, Social and Cultural Rights (CESCR).

### Challenges and lessons learned

Implementation of the subregional mandate of the Regional Office remained a challenge insofar as ensuring balanced and equitable engagement with Governments of the subregion, in particular in relation to those without a human rights field presence. The Office’s experience showed that strategic partnerships were essential for making an impact in a diverse subregion while only being based in one country. Dedicated and committed partners in countries without a human rights field presence contributed to the sustainability of activities and their follow-up. Maintaining an active presence in various UNCTs as a non-resident UN system partner was not possible. The identification of a UNCT member as CARO’s human rights focal point was useful for facilitating its activities in that country.

CARO’s efforts to revitalize its Memorandum of Understanding with the Economic Community of Central African States (ECCAS) and cooperate with the subregional organization proved challenging and failed to ensure substantive engagement during the reporting period.
Background

Increased public spending and foreign direct investment supported economic growth in many countries across Africa, while rising food prices and high unemployment created uncertainty about the continent’s long-term trajectory of economic recovery. Unstable macroeconomic indicators were compounded by environmental factors and the severe drought in the Horn of Africa dramatically increased food insecurity and negatively affected the population’s coping capacities. In certain areas of the subregion, the situation was further exacerbated by persistent conflict, leading to mass displacement with serious security and public health concerns.


In the area covered by OHCHR’s East Africa Regional Office (EARO), human rights challenges included: legislative restrictions on civil society; the application of anti-terrorism legislation to charge journalists and opposition party members; discriminatory regulations on political participation; the prevalence of sexual and gender-based violence, including female genital mutilation and domestic violence; killings of persons with albinism; as well as forced labour and trafficking.

In 2011, EARO, which is based in Addis Ababa, actively engaged with regional organizations such as the AU and the UN Economic Commission for Africa (UNECA) and with Djibouti, Ethiopia and Tanzania. Within the framework of the Ten-Year Capacity-Building Programme and its Memorandum of Understanding (MoU) with the African Union, EARO continued to strengthen the African Union Commission. At the national level, EARO provided technical cooperation related to the application of a human rights-based approach to the work of United Nations Country Teams (UNCTs), built the capacity of national human rights institutions (NHRIs) and provided technical cooperation to national partners for reporting to the Universal Periodic Review (UPR) and the international human rights treaty bodies.
Results

National laws, policies and institutions (EA 1)

► Target for Tanzania: Extent to which a NHRI has been established and worked in conformity with international standards (Paris Principles).

In October 2011, Tanzania’s Commission on Human Rights and Good Governance (CHRAGG) was reviewed by the International Coordinating Committee of National Human Rights Institutions, as a result of which the CHRAGG maintained its “A” status. Although the CHRAGG has never presented a parallel report to the human rights treaty bodies, it has benefited from exposure to the work of treaty bodies through a study trip funded by EARO and other UN agencies. EARO also conducted targeted training on human rights monitoring and reporting to CHRAGG’s investigation officers. Following EARO’s capacity-building initiatives in relation to UPR, the CHRAGG was able to submit its stakeholder report to the UPR and successfully organized a side event during the UPR session in Geneva.

► Target for Tanzania: One selected institution (police investigation units from all 22 districts) is significantly more compliant with international human rights standards.

EARO, UNICEF and the UN Resident Coordinator’s Office, within the context of the ONE UN in Tanzania and in cooperation with the CHRAGG, provided training on human rights and the administration of justice for Tanzania’s high court judges from 6-8 December 2011 in Bagamoyo. EARO will continue to follow up on this initiative through a 2012 review of the recommendations drafted by participants at the end of the workshop.

Ratification (EA 2)

► Target for Tanzania: Ratification of one human rights treaty (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)).

During the reporting period, Tanzania did not ratify CAT or its two Protocols. EARO continued to advocate with the Government for their ratification, including during UPR preparatory events and processes related to the National Human Rights Action Plan. During the UPR Working Group Interactive Dialogue on Tanzania, the Head of the Tanzanian Delegation indicated that Tanzania is considering their ratification. While torture is prohibited under the Tanzanian Constitution, public opinion remains divided on the abolition of the death penalty, which is still carried out in the country.

State engagement with human rights mechanisms (EA 6)

► Target not achievable within the biennium for Djibouti: Ratification of three human rights treaties (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)).

In April 2011, the Government of Djibouti deposited the instruments of ratification for the two Optional Protocols of the Convention on the Rights of the Child (CRC) as well as the African Union Convention on Internally Displaced Persons. This result was partly due to EARO’s advocacy efforts. During the UPR process, the Government of Djibouti committed to ratifying the core human rights instruments.

► Target for Tanzania: 100 per cent of the reports submitted by Tanzania (UPR and International Covenant on Economic, Social and Cultural Rights (ICESCR)) are in compliance with guidelines.

In October 2011, Tanzania submitted its national report under the UPR in compliance with the guidelines. EARO provided technical training, advisory services and financial support to the organization of several workshops for the Government, civil society and the UNCT, which prepared the relevant stakeholders for the submission of the reports under the UPR.

► Target for Tanzania: One out of two priority treaty bodies’ recommendations (50 per cent) will be substantially implemented (national plan of action).

The Committee on the Elimination of Discrimination against Women recommended the adoption of a national plan of action to combat violence against women and children (2008) and the Committee on the Rights of the Child (2006) called for the elaboration of a comprehensive national plan of action for the full implementation of the rights enshrined in the Convention. In its recent concluding observations, the Human Rights Committee (2009) also urged the State to adopt a national action plan on trafficking. Through the ONE UN, EARO provided technical assistance, advisory services and funding for the preparation of the National Human Rights Action Plan (NHRAP) and participated in the validation workshop with relevant stakeholders. During the workshop, the technical Committee of the NHRAP finalized the first draft of the NHRAP as per the pre-defined workplan.
Target for Djibouti: 100 per cent of reports submitted by Djibouti (ICESCR, CAT, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on the Elimination of All Forms of Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (ACHPR)), in conformity with the guidelines on treaty body reporting.

Djibouti submitted reports to all UN treaty bodies due in part to EARO’s financial and technical support to the Djibouti Interministerial Committee responsible for the drafting of overdue reports. As a result of time constraints, the Government was not able to address overdue reports for the ACHPR and their preparation has been postponed until 2012.

Target for Djibouti: Two out of four (50 per cent) priority outstanding UPR recommendations have been substantially implemented.

With respect to the UPR recommendation, “Seek assistance from the international community and request OHCHR to positively respond to its expressed needs in the area of capacity-building and provision of the needed human, financial and technical resources and to provide the necessary training to officials in the various concerned departments and ministries and to the National Human Rights Institution and to provide assistance in the area of human rights education so as to spread a culture of human rights in Djibouti within the framework of the national strategy of the Government for the promotion and protection of human rights,” a Presidential Decree was adopted in 2011, amending the Decree creating the National Human Rights Commission N2008-1 03/PRE and stipulating that the “National Human Rights Commission is independent and does not receive instructions from any authority.” The amended Decree also provides the corresponding immunities to its staff in the context of their functions and the possibility for the Commission to receive funding from other organizations. The National Human Rights Commission was previously part of the Ministry of Justice and Human Rights and shared the same office space, president and staff. The NHRI office was subsequently relocated outside of the Ministry, the president of the NHRC was detached from the Ministry and use of the equipment of the office that was funded by UNDP. With support from EARO, the National Human Rights Commission was able to prepare its first three-year action plan and develop promotional materials on the rights of women and children for public distribution in Djibouti.

With respect to the UPR recommendation, “Seek the assistance of the international community in promoting conditions of development favourable to the enhancement of human rights and work on the reinforcement of capacity-building for civil society actors as well as the media in their neighbourhood actions related to...
awareness-raising and information on human rights,” EARO organized a workshop on human rights for journalists in November 2011, in partnership with UNESCO’s Regional Office and the Ministry of Culture and Communication, as well as the National Human Rights Commission. The workshop aimed at preparing journalists to cover news related to human rights. As a result of this workshop, the participants decided to create an Association of Journalists on Human Rights which will focus on the coverage of issues such as women’s rights, child rights and the situation of migrants, among others.

Target not achievable within the biennium for Ethiopia: The National Human Rights Action Plan is finalized following large and inclusive consultations with all stakeholders and is in compliance with international human rights standards.

In 2010, the Government of Ethiopia ratified the Convention on the Rights of Persons with Disabilities (CRPD) and signed the Optional Protocol to the CRC on the involvement of children in armed conflict. The process of developing a national human rights action plan, also an accepted UPR recommendation, is underway. EARO provided technical support to the Ethiopian Human Rights Commission (EHRC) for the establishment of an Interministerial Committee to develop a national human rights action plan. OHCHR is part of the Ad Hoc Coordination Team as well as the National Coordination Committee and has committed to sharing good practices in the development of human rights action plans. It is important, however, to ensure and strengthen national ownership and leadership by the Government over the process.

Human rights mainstreaming within the United Nations (EA 11)

Target for Tanzania: Tanzania’s United Nations Development Assistance Plan (UNDAP) integrates human rights standards and principles.

Many sections of the UNDAP have significantly followed human rights-based approach considerations, including through a quality assurance process that has been undertaken from a human rights standpoint. As a result, the UNDAP planning documents integrate human rights activities and make reference to international human rights standards and principles. EARO provided technical expertise in the context of the ONE UN in general and the UN Human Rights Working Group in particular.

Target for Djibouti: The United Nations Development Assistance Framework (UNDAF) integrates human rights standards and principles to some degree.

The Djibouti UNDAF complies with international human rights standards to a substantial extent. In the area of governance, reference is made to applicable international standards and human rights principles are applied to define expected results. OHCHR contributed to the Djibouti UNDAF by increasing the knowledge of staff from five UN agencies involved in the conceptualization and elaboration of the document through basic training and one-on-one coaching on specific issues. In the context of the UN joint programme on human rights, EARO, together with the UN Staff College, provided training on the human rights-based approach, results-based programming and gender to the UNCT and relevant partners in Djibouti. The training was requested by the UNCT with a view to building its capacity to mainstream human rights and gender issues in preparation of the UNDAF.

Target for Ethiopia: Ethiopia’s UNDAF integrates human rights standards and principles. Although the UNDAF planning documents 2012-2015 integrate human rights standards and principles, especially in the Governance Section, the East Africa Regional Office noted some weaknesses in terms of the human rights-based approach. The main focus of the UNDAF is economic development and the document fails to identify the needs of vulnerable groups. In addition, although the UNDAF recommends the implementation of international human rights instruments in its Governance Section, these same recommendations have not been included in other parts of the UNDAF. EARO contributed to the preparation of the UNDAF (2012-2015) by providing human rights expertise in the preparation of planning documents and co-chairing the UN Governance and Democracy Working Group.

Challenges and lessons learned

In 2011, EARO redressed the balance between national and regional programmes. As a result of EARO’s outreach to and engagement with the African Union and the Economic Commission for Africa, these institutions gained a critical understanding of the role of international human rights standards and principles. EARO’s contribution to the AU-UN Governance Sub-Cluster, as well as to the Sub-Cluster for Peace and Security proved instrumental in mainstreaming human rights in the political role of the African Union.

EARO’s engagement with the UNCTs in Djibouti, Ethiopia and Tanzania led to new partnerships with UN agencies and joint activities in the field of human rights. A critical benchmark for the mainstreaming of human rights into the work of UNCTs is the extent to which planning documents integrate a human rights-based approach and the political will to do so.

EARO seeks to manage high levels of expectations from partners at country and regional levels with limited resources. The Office therefore privileged the strengthening of national protection systems, in particular national human rights institutions, to ensure national ownership of human rights programmes.

Regional Office for East Africa (Addis Ababa, Ethiopia): Expenditure in 2011

<table>
<thead>
<tr>
<th></th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
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<tr>
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<td>GRAND TOTAL</td>
<td></td>
<td>998,533</td>
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</tbody>
</table>

Regional Office for Southern Africa (Pretoria, South Africa)

| Year established | 1998 |
| Staff as of 31 December 2011 | 7 |
| Expenditure in 2011 | US$907,392 |

Background

The Southern African region is characterized by great diversity and includes some of the richest and poorest countries in Africa. In 2011, positive developments were noted with several countries holding peaceful elections and experiencing democratic handovers of power. Efforts were made to establish national human rights protection systems and standing invitations were issued to special procedures of the Human Rights Council. In some countries, however, weak democratic institutions, combined with high poverty rates, exacerbated by the rising cost of staple goods, contributed to political crises and violence. Most countries in the subregion lack effective institutions or an organized civil society to hold States accountable for the protection of human rights. In some instances, human rights defenders have become increasingly at risk.

Human rights challenges in the subregion include inequality, discrimination, xenophobia, HIV/AIDS prevalence, as well as widespread sexual and gender-based violence. Inhabitants of the subregion also struggle to realize their rights to work, housing, land and food. Access to justice and the lack of independence of the judiciary are cause for concern and, at the subregional level, the suspension of the Southern African Development Community (SADC) Tribunal and reluctance of SADC leaders to set up a
The Regional Office for Southern Africa (ROSA) works with Governments, United Nations Country Teams (UNCTs), national human rights institutions (NHRIs) and civil society organizations (CSOs) to advance the realization of human rights in 14 countries, namely: Angola, Botswana, Comoros, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Zambia and Zimbabwe. In the course of 2011, OHCHR deployed a Human Rights Adviser to the UNCT in Madagascar. ROSA also works with regional and subregional organizations and their institutions. In 2011, ROSA focused its efforts on strengthening NHRIs; increasing the engagement of national stakeholders with the international human rights system; addressing discrimination; and integrating a human rights-based approach in UNCT’s programmes.

Results

National laws, policies and institutions (EA 1)

In 2011, the Zimbabwe Human Rights Commissioners made strategic interventions before the Human Rights Council, formulated comments on the draft NHRI legislation and called for its compliance with the Paris Principles, chiefly as a result of support from OHCHR/ROSA. Discussions on the draft bill are ongoing and concern has been expressed that the final law may not be compliant with the Paris Principles.

In November 2011, the Parliament of Comoros adopted the Law on the establishment of a National Commission for Human Rights and Liberties, which was drafted with the substantive input and support of ROSA, UNICEF and UNDP.

In Zambia, the understanding of human rights and capacity of the newly appointed Commissioners of the NHRI to effectively carry out their functions was strengthened, thanks to an induction course organized by the Network of African National Human Rights Institutions and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. ROSA participated in the training.

The capacity of the South African Human Rights Commission (SAHRC) to combat discrimination, with an emphasis on the rights of non-nationals, was strengthened through a one-year grant from OHCHR. The project included monitoring places of detention for migrants, community outreach, and capacity-building initiatives to prevent and address xenophobia in South Africa.

A declaration outlining the way forward for African NHRIs in addressing the rights of elderly persons and persons with disabilities was adopted at the Biennial Conference of African NHRIs in October 2011, hosted by the SAHRC with OHCHR/ROSA’s support.

In light of numerous challenges related to economic and social rights and the limited knowledge of duty-bearers and rights-holders in addressing these rights, OHCHR/ROSA has started a process to build capacity in the subregion. An expert workshop organized in Mozambique in December 2011, with the support of the UNCT and the Government of Mozambique, was the first attempt at bringing together practitioners, facilitating a dialogue and creating a network equipped to advocate for economic, social and cultural rights.

Ratification (EA 2)

The Parliament of Comoros ratified the Convention on the Rights of Persons with Disabilities (CRPD) and the Rome Statute in November 2011, following a training on international human rights instruments by ROSA in Moroni in October 2011.

Justice and accountability mechanisms (EA 3)

As a result of ROSA’s substantive engagement and support to the Department for Political Affairs and the Resident Coordinator in Madagascar, reference to serious human rights violations and the establishment of transitional justice institutions were included in the road map, which seeks to end the political crisis and sets out parameters for the peaceful return to democracy in the country. For more information, please refer to the section on Madagascar.
State engagement with human rights mechanisms (EA 6)

- Zimbabwe submitted its combined second to fifth periodic reports to the Committee on the Elimination of Discrimination against Women (CEDAW) for consideration at its 51st session in February 2012. ROSA encouraged the engagement of the Government and other stakeholders with CEDAW.

- The Government of Seychelles started working on its reporting obligations to treaty bodies following a mission from ROSA to the Seychelles in March 2011 and discussions with senior Government officials, including the Minister for Foreign Affairs. With support from the EU and through a UNDP-administered project, Seychelles has begun preparing its initial reports under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

- OHCHR organized a subregional seminar on follow-up to concluding observations of the Committee on the Elimination of Racial Discrimination (CERD) in Pretoria, South Africa, in June 2011. Over 30 participants from five countries in Southern Africa (Botswana, Namibia, South Africa, Zambia and Zimbabwe), including Government officials, representatives from NHRI s and non-governmental organizations (NGOs) participated. The seminar deepened delegates' understanding of specific issues relating to racial discrimination as defined in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Participants committed to following up on recommendations made by the CERD Committee and affirmed the importance of exchanging achievements, challenges and good practices in the implementation of CERD recommendations.

- Partly as a result of ROSA's advocacy and training, all countries in the subregion actively engaged in the Universal Periodic Review (UPR) process. In October 2011, Swaziland and Zimbabwe became the last countries in the subregion to complete the first UPR cycle. Mauritius was the first country in the subregion to voluntarily submit a mid-term progress report on the implementation of the recommendations of the Human Rights Council, following the UPR in February 2009. OHCHR provided technical guidance to a number of Governments, UNCTs and civil society organizations in the subregion in their preparation of respective UPR submissions.

Human rights mainstreaming within the United Nations (EA 11)

- Human rights and social inclusion were incorporated as key areas of the UNCT's work in Mauritius and Seychelles. UNCTs in Angola, Comoros, Madagascar and Mozambique reiterated their commitment to include human rights in joint programmes and the UN framework, where applicable. In Comoros, the UNCT reinforced human rights as a cross-cutting issue and included the establishment of a NHRI and the ratification of international human rights instruments into the ONE UN programme and the UNDAF. In Mozambique, the United Nations Development Assistance Framework (UNDAF) 2012-2015, which was finalized during 2011, includes the establishment of a national human rights commission and the ratification and implementation of the ICESCR.

- In reaction to allegations of serious human rights violations committed against migrants workers from the Democratic Republic of Congo (DRC) and following OHCHR's advocacy and a visit by the Special Representative of the Secretary-General on sexual violence in conflict, the UNCT in Angola adopted the protection of the rights of migrants as a priority area. This is expected to result in the appointment of a Protection Adviser to the UNCT in 2012 by UN Action, with the support of OHCHR.

- In Madagascar, OHCHR was appointed as co-chair of the human rights and gender working group, together with UNFPA. OHCHR provided substantive support and input to a joint project with UNDP, UNFPA and UNICEF analysing the deficit in access to justice in Madagascar and proposing measures for judicial reform, including transitional justice elements. This study informed the planning of UNCT activities following the signature of the SADC-sponsored road map on 17 September 2011, which ended a three-year long political crisis in the country.

- Through its participation in UNCT planning processes across the subregion, ROSA has contributed to the integration of human rights in programmes of UN partners.

Challenges and lessons learned

In several countries in the subregion, the lack of dialogue between Government and civil society, sometimes combined with restrictive legislation for NGOs and the intimidation of human rights defenders, can prevent rights-holders from claiming their rights. ROSA has sought to overcome this by inviting a cross-section of stakeholders to its trainings and workshops.

ROSA's strategic involvement and efforts to keep human rights on the agenda in countries facing
political crises, such as Comoros and Madagascar, has proven to be effective, as both countries have regained stability and identified the protection of human rights as a key priority for the Government.

In 2011, Malawi was the latest country to face a political and human rights crisis following the July 2011 protests. ROSA shifted its focus to the country and worked closely with UN agencies and the Malawi Human Rights Commission (MHRC), which provided valuable insight into the evolving situation following the days of protests.

The increase in requests by Governments and UNCTs for technical assistance obliges ROSA to prioritize specific themes and countries in order to avoid overstretching its limited resources, while also maintaining sufficient flexibility to adapt to critical developments in the subregion. ROSA has undertaken a thorough strategic planning process to define its priorities for the biennium 2012–2013. The audit of ROSA by the Office of Internal Oversight Services provided useful recommendations in this regard.

| Regional Office for Southern Africa (Pretoria, South Africa): Expenditure in 2011 |
|------------------------------------------|---------------------------|---------------------------|
| Regular budget expenditure in US$       | Extrabudgetary expenditure in US$ |
| Personnel and related costs              | -                         | 659,608                   |
| Consultants                              | -                         | -                         |
| Official travel                          | -                         | 35,514                    |
| Contractual services                     | -                         | 3,300                     |
| General operating expenses               | -                         | 63,702                    |
| Supplies & materials                     | -                         | (30,960)                  |
| Seminars, grants & contributions         | -                         | 71,838                    |
| Subtotal                                 | -                         | 803,002                   |
| Programme support costs                  | 104,390                   |                           |
| GRAND TOTAL                              | -                         | 907,392                   |

In 2011, ROSA hosted an indigenous fellow from the San Community of Namibia under the National Indigenous Fellow Programme of OHCHR. The Fellow supported the work of ROSA in the area of promoting the rights of indigenous peoples and minorities, including by delivering presentations to other UN staff members in South Africa. A concept note prepared and submitted by the Fellow included specific recommendations for ROSA and will serve as a reference tool for ROSA staff members when undertaking activities aimed at promoting the rights of indigenous peoples and minorities in the subregion.

## Regional Office for West Africa (Dakar, Senegal)

### Year established
2007

### Staff as of 31 December 2011
12

### Expenditure in 2011
US$1,050,913

## Background

The West African subregion witnessed progress made towards greater stability and peace with the completion of the transition processes in Guinea and Niger and the end of the election crisis in Côte d’Ivoire. Successful democratic elections were held in, inter alia, Benin, Cape Verde and Nigeria. Moreover, efforts have been undertaken to further mainstream human rights and gender into policy responses to regional threats to peace and security, such as food and nutritional crises, climate change, migration and trafficking in persons. Fundamental freedoms, such as the freedoms of speech and assembly, improved in many countries of the subregion and significant efforts have been undertaken to promote the equal participation of women and men in public affairs in Benin, Cape Verde, Guinea, Mali and Senegal.

In a number of election processes, concerns were raised regarding irregularities in voter registration and the certification of results. In some countries, such as Liberia, this resulted in tensions and human rights violations. Moreover, the socioeconomic landscape of West Africa, characterized by widespread poverty, increasing inequality and marginalization of segments of the population, continues to pose a serious threat to peace and security. The growing presence of terrorist groups, mainly Boko Haram in Nigeria and Al-Qaeda in the Islamic Maghreb in the Sahel region, has led to growing insecurity and a deterioration of the humanitarian and human rights situation in some parts of the subregion. This has in turn triggered a renewed political drive in order to increase regional cooperation to stabilize the subregion and the Sahel area.

The achievements of the OHCHR Regional Office for West Africa in 2011 include assisting countries with Universal Periodic Review (UPR) follow-up and reporting to treaty bodies; advocating for the ratification of international human rights instruments, such as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR); assisting the United Nations Country Teams (UNCTs) to integrate human rights into policy documents; and encouraging Member States of the Economic Community of West African States (ECOWAS) to
address issues of impunity, especially improving access to justice for women. It has also provided support to, and cooperated extensively with, the eight human rights field presences based in the region.

Results

National laws, policies and institutions (EA 1)

In Senegal, the National Observatory on Parity was created in March 2011 by Decree to monitor the implementation of the Parity Law which was adopted in 2010. This Law was created to ensure access to justice for women who have been subjected to gender-based violence (GBV) in particular, and for the protection of women’s rights in general. During 2011, Senegal continued to develop draft laws to reform the penal and criminal procedure codes, including by strengthening the penalties for GBV. These draft laws are largely compliant with international human rights standards. WARO provided advocacy and training on women’s rights and gender to the Economic and Social Council to ensure that compliance with international human rights standards would be included in recommendations to the Head of State, the Government and Parliament. The draft laws are currently blocked at the governmental level and WARO will continue to advocate for their adoption.

The Ministry of Gender in Senegal made propositions for the reform of the Family Code. The propositions aim to harmonize the Family Code with the international human rights instruments which Senegal has ratified, mainly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), and make explicit reference to these standards.

WARO substantially contributed to the drafting of these propositions by supporting the Ministry in carrying out a study on harmonizing national legislation on women’s rights with international human rights instruments ratified by Senegal. The main conclusions of the study will be used in 2012 as an advocacy tool for the adoption of a new Family Code that is fully compliant with international human rights instruments.

Ratification (EA 2)

The OP-ICESCR was signed by Cape Verde in September 2011. Steps have been taken towards its ratification in Burkina Faso, Mali and Senegal. OHCHR contributed to this through awareness-raising and advocacy activities on economic, social and cultural rights. In addition, the Office organized a regional training seminar on the justiciability of these rights for judicial actors. As a concrete outcome of this training, participants committed to continue advocating for the ratification of OP-ICESCR.

Cape Verde signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) in September 2011. WARO advocated...
for the ratification of the core human rights instruments with the Government during a technical mission in July 2011.

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

WARO assisted the Association des Juristes Sénégalaises (AJS) by substantially organizing a “free consultation day” for judicial help and assistance at their Centre. During this activity, 134 people (76 women and 58 men) received legal advice related to different fields of law. The AJS offers legal consultations to women and men on a regular basis and will continue to follow up on these cases.

### State engagement with human rights mechanisms (EA 6)

- In Cape Verde, the national report to the CEDAW Committee was drafted in 2011 and includes several recommendations regarding access to justice by women that have been subjected to GBV. WARO provided input through desk reviews. It is expected that once the CEDAW Committee has issued recommendations on the report, Cape Verde will take steps to adapt its legislation to improve women’s access to justice. The Office will support the efforts of national stakeholders to promote respect for women’s rights and reduce impunity for violence against women.

- As of the end of 2011, Cape Verde, the Gambia and Senegal had not yet submitted their reports to the Committee on Economic, Social and Cultural Rights. All three countries had, however, begun the drafting process. OHCHR significantly contributed to this process by: organizing a workshop on reporting to treaty bodies (the Gambia); recruiting and coaching the drafting consultant; and organizing a validation workshop in the Gambia and Senegal. All three countries are expected to submit their reports in 2012.

- A national action plan to follow up on the recommendations of the UPR and other human rights mechanisms was drafted and validated in Burkina Faso and Cape Verde. The action plans take into account all UPR recommendations, as well as those of the treaty bodies and special procedures and include a timetable and budget. WARO contributed to the development of these action plans through: coaching of drafting consultants; preparing desk reviews of the draft plans; undertaking technical missions; and supporting validation workshops. The final action plans are expected to be distributed in early 2012. WARO will support Mali and Senegal in a similar way in 2012.

### Human rights mainstreaming within the United Nations (EA 11)

- Human rights have been integrated in the United Nations Development Assistance Framework (UNDAF) of Burkina Faso, Cape Verde, the Gambia and Senegal. The analysis informing these UNDAFs took into account the recommendations of the international human rights treaty bodies. WARO substantially contributed throughout the drafting process by providing input on a human rights-based approach and quality support and advice to the UNCT, as well as by participating in the UNDAF validation workshop in the Gambia in June 2011. WARO provided similar support to the Senegal UNDAF, including onsite during the formulation of the UNDAF narrative document, matrix and monitoring and evaluation plan and by participating in the validation workshop. Moreover, WARO contributed to the desk review in Burkina Faso to ensure that human rights standards were taken into account in the annual review of the UNDAF.

### Challenges and lessons learned

Due to a volatile political and socioeconomic climate in the subregion, the Office often had to adjust its plans. During 2011 for instance, the social unrest and subsequent change of Government in Burkina Faso, the electoral processes in Cape Verde and the cabinet reshuffles in the Gambia led to delays in carrying out some activities. The Office had to re-establish a dialogue with the new authorities before it could continue its planned work.

The High Commissioner’s visit to West Africa in March 2011 strengthened OHCHR’s profile in the subregion. Her public support for WARO’s activities and her meetings with several counterparts gave a boost to its work, especially in Senegal. One concrete result of these meetings was the adoption of the decree to implement the Parity Law in June 2011, following the Government’s promise to the High Commissioner that it would do so.

The ratification of the OP-ICESCR did not occur in 2011. Following regular exchanges with its partners, the Office understood the need for broader consultation and awareness-raising on the Protocol and the justiciability of economic, social and cultural rights among all stakeholders. Several initiatives were therefore undertaken which has resulted in the signature of the OP-ICESCR by Cape Verde and growing support for ratification in all targeted countries.
### Regional Office for West Africa (Dakar, Senegal): Expenditure in 2011

<table>
<thead>
<tr>
<th></th>
<th>Regular budget expenditure in US$</th>
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<tr>
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</tr>
</tbody>
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### Human Rights Components in UN Peace Missions

#### United Nations Integrated Office in Burundi

- **Year established**: 1995 (since 2006 as part of the United Nations Integrated Office in Burundi)
- **Staff as of 31 December 2011**: 20

#### Background

The effects of the 2010 elections in Burundi are still being felt and have resulted in tense relations between the Government and the opposition. The latter withdrew from the elections after alleging massive fraud and irregularities and formed a coalition named *Alliance démocratique pour le changement-Ikibiri* (ADC-Ikibiri). Prominent opposition leaders were forced to flee for fear of harassment and arrests and the Government accused members of civil society of collaborating with the opposition. Calls for dialogue to end the deadlock were ignored. The year was also marked by fears of a potential rebellion and numerous attacks staged by unidentified armed groups resulted in many casualties. These events had a profound impact on the human rights situation which has been characterized by the persistence of extrajudicial executions, torture and ill-treatment; restrictions on the right to freedoms of expression, peaceful assembly and association; as well as arbitrary arrests and the detention of members of opposition parties. The activities of non-governmental organizations (NGOs) were severely restricted and judicial authorities frequently summoned journalists and members of civil society. The arrest and detention of lawyers, including the president of the Burundi Bar Association, was also noted.

In December 2010, the United Nations Office in Burundi (BNUB) was established to replace the UN Integrated Office in Burundi (BINUB) in accordance with UN Security Council resolution 1959 (2010). The Human Rights and Justice Section (HRJS) within BNUB is mandated to: support efforts to fight impunity, particularly through the establishment of transitional justice mechanisms; strengthen national unity; promote justice and reconciliation within Burundi’s society; and provide operational support to the functioning of these bodies. HRJS also aims to promote and protect human rights, including by strengthening national capacities in that area, as well

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Widespread impunity continues to be one of the biggest challenges to peace, security, development and the realization of human rights in the subregion. WARO, in cooperation with UNOWA, UNODC, UNDP, UNHCR, UNIC, and with the support of the Government of Mali, ECOWAS, the *Organisation Internationale de la Francophonie* and the AU, organized a regional conference on impunity, justice and human rights in Bamako (Mali) from 2 to 4 December 2011. The objective of the conference was to support ECOWAS and the States of the subregion to promote justice and human rights and the fight against impunity. Among the more than 200 participants were ministers of justice; supreme court representatives; representatives of truth and reconciliation commissions; officials of the African Union, ECOWAS and the Mano River Union; officers of UN peace and political missions and UN agencies; experts of the International Criminal Tribunal for Rwanda; members of bar associations, national human rights institutions, civil society organizations and the media.

The Conference adopted a Declaration and Regional Strategic Framework to promote justice, human rights and the fight against impunity. The Bamako Declaration advises the strengthening of good governance and the rule of law to prevent conflicts. Thematic recommendations include the consolidation of the rule of law; measures to reinforce national justice systems in complementarity with international justice; strengthening the ECOWAS Court of Justice; promoting transitional justice mechanisms, traditional justice, human rights and the role of the media; and fighting against organized crime, illicit trafficking and piracy. The Declaration pleads for greater harmonization of legal agreements and collaboration at the subregional, regional and international levels to address impunity for human rights violations.

Governments and stakeholders were encouraged to follow-up on the conference by developing national road maps to ensure that the recommendations of the Declaration and the Strategic Framework will be implemented.
as civil society. The Office works in close collaboration with UN human rights mechanisms, including the Independent Expert on the situation of human rights in Burundi.

Results

National laws, policies and institutions (EA 1)

- The Law creating the Independent National Human Rights Commission (INHRC) was adopted on 5 January 2011. Seven commissioners, elected by Parliament, officially took up their functions on 7 June 2011 during a ceremony presided over by the President of the Republic. The activities of the Commission were officially launched on 16 December 2011. BNUB has continued to assist in the establishment of the INHRC. A sensitization campaign was organized with the help of BNUB on INHRC activities in all of Burundi’s provinces. The Commission’s workplan for 2011 was also drafted with the assistance of BNUB.

- On BNUB’s recommendation, the Minister of Defence re-launched the capacity-building programme for members of the armed forces. This programme was elaborated by BNUB and the training of military focal points in human rights was conducted after informal consultations with the Ministry. A retreat was organized in collaboration with high-ranking officers of the military on the application of international human rights standards and humanitarian law by the military and their role as supervisors. It was decided that the programme would be integrated into the overall development of the security sector to continue strengthening the capacity of the leadership of the armed forces to protect human rights.

- In 2011, the Ministry of Justice’s strategic plan 2011-2015 was developed and includes reforms pertaining to judicial independence and accountability. The document fails to take into account, however, the legislative reforms that are necessary to ensure the effective independence of justice (Law on the Superior Council of Magistrates, Law on the Status of Magistrates). Nevertheless, following BNUB’s advocacy work, two key activities were included: the organization of a National Conference on Justice which will serve as a platform for recommendations on different issues related to judicial independence and a study on the capacity-building plan for the Supreme Council of Magistrates, which will serve as a preliminary step for wider reforms.

- The development of a strategy on combating corruption and abuses within the judicial system has been postponed until the adoption of the national strategic plan by the Ministry of Justice. The BNUB Justice Unit contributed to the development of the national strategy on good governance and fight against corruption which was adopted by the Council of Ministers.

Justice and accountability mechanisms (EA 3)

- The Government took steps towards the establishment of a Truth and Reconciliation Commission (TRC). A Technical Committee, which was appointed by Presidential Decree, submitted its report to the President and BNUB in October 2011. The report includes a draft law on the establishment of transitional justice mechanisms, particularly the Truth and Reconciliation Commission. BNUB and OHCHR provided substantive technical and logistical support to the Committee. Following an analysis of the report, the UN recommended that the Government take into account the conclusions of the national consultations, views of civil society and relevant international standards in the creation of a Truth and Reconciliation Commission.

Participation (EA 5)

- As part of the preparatory activities for the establishment of a Truth and Reconciliation Commission (TRC), BNUB undertook a nationwide sensitization campaign, in partnership with three NGOs, which included mobile theatre performances (plays) and public debates on University campuses. More than 24,801 people were sensitized through 56 plays that were performed in 55 communities across the country. The debates organized in eight universities and institutes in Burundi involved the participation of 868 university students. Furthermore, following four regional workshops on transitional justice by BNUB, 51 trainees created a network named Forum national des relais communautaires en justice transitionnelle (FONAREC/JT). Civil society is now expecting to be formally involved in a consultation process on the draft law on the establishment of the TRC.

Challenges and lessons learned

Throughout 2011, OHCHR and BNUB continued to provide technical assistance to authorities towards the establishment and functioning of transitional justice mechanisms in accordance with international norms and principles. OHCHR reiterated the importance of the inclusive participation of civil society throughout the process. In November 2011, OHCHR, OLA and BNUB provided joint comments on the draft law to ensure compliance with the conclusions of the national consultations and relevant Security Council resolutions.
OHCHR IN THE FIELD: AFRICA

United Nations Integrated Peacebuilding Office in Central African Republic

<table>
<thead>
<tr>
<th>Year established</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>22</td>
</tr>
</tbody>
</table>

**Background**

After several postponements, presidential and parliamentary elections were held on 23 January 2011. Due to the post-conflict situation, the general human rights situation in the Central African Republic (CAR) remains fragile. Ongoing insecurity facilitates constant abuses in the north, ranging from summary and extrajudicial killings, illegal arrests and detention, as well as sexual and gender-based violence, to witchcraft accusations, restrictions on movement and extortion. The abuses are reportedly committed both by State and non-State actors, including Government forces, rebel groups and other armed elements. Furthermore, the situation in the north, with various clashes and acts of banditry, has caused the internal displacement of entire villages. In the south-eastern provinces, attacks from the Lord's Resistance Army (LRA) pose grave challenges for the effective protection of civilians.

OHCHR implements its human rights programme in CAR through the Human Rights and Justice Section (HRJS) of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA), established on 1 January 2010. The HRJS has a broad mandate to support efforts to promote, protect and implement human rights in the country. In addition, the HRJS provides capacity-building support to national institutions and other partners in the peace process. BINUCA has three regional offices in Bouar (covering the western prefectures), Bossangoa (covering the north-western prefectures) and Bambari (covering the northern and eastern prefectures). These offices monitor the human rights situation by conducting regular visits to the field and interacting with local, judicial and administrative authorities.

**Results**

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

- On 22 December 2011, the Law on the Principles governing the CAR Penitentiary System was adopted by National Assembly, partly as a result of the HRJS’s advocacy. The Commission of Home, Administrative Affairs and Law examined the draft law. HRJS took this opportunity to engage in frank discussions and exchanges on the CAR penitentiary system. While commending the national authorities for having drafted a law which is in conformity with the international standards, HRJS stressed that the CAR penitentiary system needs to be adjusted and configured according to the State budget.

- The process of drafting a law on the establishment of a National Commission on Human Rights and Fundamental Freedoms is ongoing. The HRJS conducted briefing sessions with the Government to discuss the draft and call for its compliance with the Paris Principles. Once the draft law is before Parliament, HRJS will advocate for the reformulation of provisions which are contrary to international human rights standards.

- The CAR Minister of Justice, as well the military hierarchy (the Gendarmerie National and the police), awarded the HRJS with permanent authorization to carry out monitoring visits in prisons and other detention centres, thus highlighting the Government’s efforts to ensure transparency. This standing authorization has enabled OHCHR to carry out regular visits of 20 prisons and police holding cells in remote areas.

**Ratification (EA 2)**

- On 20 April 2010, the Government of CAR ratified ILO Convention No. 169 on indigenous and tribal peoples. HRJS supported the sensitization campaigns of the State High Commissioner for Human Rights and Good Governance.
Participation (EA 5)

Efforts to enhance the capacity of civil society organizations to promote and protect human rights had some positive results. A local network of human rights groups was selected for funding by the Assisting Communities Together Project, a joint UNDP and OHCHR initiative. The HRJS had been active in supporting the creation and development of the network, including by holding human rights education sessions on a weekly basis and organizing joint human rights promotion activities. For the first time, the network will obtain a small grant to carry out a human rights advocacy campaign. The campaign seeks to fight discrimination against women and minority groups, mainly the Peuhl minority, through theatre performances and radio broadcasts.

Challenges and lessons learned

The high level of impunity enjoyed by perpetrators of human rights violations is a key challenge to efforts aimed at instilling a culture of human rights and the rule of law in CAR. As a result of many years of conflict and neglect, several areas in the country lack functional justice systems and institutions to guarantee the rule of law. Numerous cases have not been subject to investigations by relevant authorities partly because of the absence of both logistical capacity and human resources, and partially due to the reluctance of some officials to hold perpetrators accountable. Moreover, the high level of insecurity has prevented judicial officers from residing and working in the country.

Despite the openness of national authorities to discuss sensitive human rights issues, it is very difficult to respond to human rights challenges in an environment where the institutions and the capacity to deliver are very weak. In this respect, constant and constructive dialogue with national authorities have oriented the national human rights strategy towards the design of coherent human rights legal frameworks as well as the building and consolidation of national institutions capable of promoting and protecting human rights. These priorities have been included in strategic frameworks such as United Nations Development Assistance Framework Plus and the Second Poverty Reduction Strategy Paper. Another lesson learned has been the use of special procedures, particularly the urgent appeals, which have frequently facilitated dialogue with national authorities on sensitive human rights issues.

United Nations Operation in Côte d’Ivoire

<table>
<thead>
<tr>
<th>Year established</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>52</td>
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Background

In 2011, little improvement was observed in the overall human rights situation in Côte d’Ivoire. Notwithstanding the successful legislative elections on 11 December 2011, the security situation is still stabilizing, refugees and internally displaced persons are yet to return to their places of origin, judicial proceedings are criticized for favouring only one side and political violence is still evident in the streets. Continuing human rights violations include killings, illegal detention, ill-treatment, torture, rape, armed robbery and racketeering practices involving unidentified armed elements, Dozos (traditional hunters), as well as members of the Forces républicaines de Côte d’Ivoire (FRCI).

Within the framework of its protection work, the Human Rights Division (HRD) of the United Nations Operation in Côte d’Ivoire (UNOCI) advocated for the adoption and implementation of a national strategy to fight against sexual exploitation and gender-based violence. The HRD played a catalytic role in the designation of two human rights focal points within the Ministries of Defense and of the Interior that were appointed to review human rights violations, including sexual violence cases perpetrated by the FRCI, police and gendarmerie elements and to draw Government attention to the importance of prosecuting the perpetrators. With a
view to enhancing greater respect and accountability for human rights, the Division developed and implemented training programmes for police students, military commanders, the gendarmerie, the navy, customs officials and police officers.

Results

National laws, policies and institutions (EA 1)
- Free and fair legislative elections were held on 11 December 2011. Through training and support material from the HRD, law enforcement officials were equipped with techniques and tools to uphold human rights while securing the legislative elections. Civil society groups, media practitioners, members of political parties, as well as the general electorate, were sensitized on critical human rights norms related to elections, their importance and how to advocate for their respect.
- The HRD focused its training programmes and briefing sessions on police and gendarmes as well as FRCI elements (700). In total, 25 human rights training sessions were held across the country reaching out to at least 1,500 Ivorian Military, more than 1,500 police and gendarmerie officers, 500 civil society activists and 50 journalists.
- The Government adopted a National Development Programme (PND) based on the revised Poverty Reduction Strategy Paper (PRSP) and other existing strategic documents. The HRD, through the United Nations Country Team, advocated that such programmes be based on human rights principles and standards. It will continue to monitor these aspects in the implementation phase.

Justice and accountability mechanisms (EA 3)
- The combined effects of the breakdown of law enforcement and justice structures and the post-elections crisis made it difficult to secure proper judicial proceedings. In the course of 2011, at least 50 alleged perpetrators of serious human rights violations were identified and prosecuted, mostly in the context of the elections and post-elections crisis.

States engagement with human rights mechanisms (EA 6)
- In September 2011, the Ministry of Family, Women and Children organized a workshop on the Universal Periodic Review, in which the HRD participated. The HRD will continue its technical assistance to build the Government’s capacity to prepare periodic reports under the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, while also equipping civil society with the knowledge and skills to submit shadow reports.

Civil society engagement with human rights mechanisms (EA 7)
- At least 10 reports were issued by national non-governmental organizations (NGOs) on the human rights situation in Côte d’Ivoire. This is due in part to the training workshops organized by the HRD on human rights investigation techniques and reporting for more than 100 representatives of civil society groups and NGOs. Sensitization and awareness-raising campaigns focusing on the rights of women and children gathered over 1,000 participants, including traditional leaders and representatives of women’s organizations and local authorities.

Challenges and lessons learned

Due to the tenuous security conditions in the immediate aftermath of the November 2011 elections, most UNOCI staff was evacuated. As a result, the operational capacity of the Human Rights Division was greatly reduced. During this period, which coincided with the deterioration of the human rights situation, the Division was prompted to focus all its available capacity on monitoring and documenting massive and serious human rights violations and abuses. Only in June 2011 did the situation return to some normalcy and the Division was able to resume its other activities.

The Human Rights Call Centre set up by UNOCI to register allegations of human rights violations that occurred during and after the elections.
At that point, amendments had to be made to adjust the workplan in accordance with the new realities on the ground, such as the reconciliation process and reform of the army. As the lead agency on transitional justice, OHCHR and the HRD had to ensure that the Dialogue, Truth and Reconciliation Commission would be in conformity with international human rights standards, that a comprehensive transitional justice strategy was adopted and implemented and that Human Rights Council resolution A/HRC/17/21 was implemented.

African Union-United Nations Hybrid Operation in Darfur

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Background

In 2011, two positive developments occurred that will have a bearing on the human rights situation in Darfur in 2012 and beyond. The first was the review of the Sudan under the Universal Periodic Review (UPR) and the second was the May 2011 signing of the Doha Document for Peace in Darfur (DDPD) between the Government and one of the rebel movements in Darfur, the Liberation and Justice Movement (LJM). The DDPD contained substantive provisions on human rights and provided for the establishment of human rights and justice institutions, such as the National Human Rights Commission, the Darfur Truth and Reconciliation Commission and the Special Criminal Courts to address widespread impunity in Darfur. Both developments have opened up opportunities for the Human Rights Component to advance the human rights agenda in Darfur through technical cooperation, capacity-building and advocacy.

Challenges, however, remain. Impunity for past and current violations of human rights and humanitarian law is a recurring concern. Public confidence in law enforcement and the administration of justice remains low, especially in relation to sexual violence offences. The ongoing state of emergency has restricted space for the exercise of civil and political rights. Expectations abound that the implementation of the DDPD will facilitate the fight against impunity and allow for an enabling environment in the exercise of fundamental rights and freedoms.

The Human Rights Section (HRS) continues to implement the human rights mandate of the African Union - United Nations Hybrid Operation in Darfur (UNAMID). Its human rights initiatives contribute to the mission’s advocacy on the protection of civilians from a human rights perspective. The HRS also undertakes human rights capacity-building initiatives, specifically with State institutions such as law enforcement, security and defence. Capacity-building, notably on sexual and gender-based violence (SGBV), is also facilitated by the HRS for the national police’s Family and Child Protection Unit, as well as medical and social welfare personnel.

Results

National laws, policies and institutions (EA 1)

- The Government of the Sudan responded positively to 10 out of 11 cases of human rights violations raised by the HRS, including: (i) three cases involving minors and the principles of juvenile justice; (ii) three interactions regarding conditions of detention in three prisons; (iii) the issue of the death penalty imposed following a riot by prison inmates in the main prison in Darfur; and (iv) three cases of arbitrary arrest and detention of UNAMID national staff. On the other hand, HRS’s continued advocacy with the Government regarding access to detention facilities and detainees remained unsuccessful.
- Some components of the justice system have taken steps to monitor, investigate and ensure redress for violations of civil and political rights, such as the judiciary and police. Yet service delivery has been slow due to human resource constraints (judiciary), lack of technical capacity of personnel (law enforcement and corrections), and irregular reporting to the police about civil and political rights violations and/or incidents of abuse. The HRS, at times with relevant partners, undertook a total of 40 human rights capacity-building initiatives during 2011 to strengthen State institutions. In west and south Darfur, improved responses of law enforcement began to be observed towards the end of 2011.

Participation (EA 5)

- Women in Darfur have had some success in placing SGBV laws and policies on the agenda under the auspices of the State Committees for Combating Violence against Women. The HRS supported the State Committees in implementing their annual workplans and built the capacity of Committee members and women’s groups to improve their understanding of, and advocacy on, SGBV issues to enable them to engage in effective dialogue with authorities.
Internally displaced persons 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 UNAMID Civil Affairs Section to apply a human rights-based approach to the participant selection process and by briefing civil society participants on human rights and justice issues prior to the peace talks.

State engagement with human rights mechanisms (EA 6)

- By September 2011, the Government had implemented 26 of the 44 recommendations formulated by the Group of Experts on Darfur in 2007. The HRS facilitated the implementation of recommendations pertaining to the judiciary, law enforcement, security and SGBV.
- Sudan submitted its report to the UPR in May 2011 and presented it in September 2011. The HRS provided technical advice to the Government.

Civil society engagement with human rights mechanisms (EA 7)

- Civil society actors submitted a report on the human rights situation in the Sudan, including Darfur, to the UPR. Advice on reporting was provided by the HRS.

Human rights mainstreaming within the United Nations (EA 11)

- Human rights have been included in the peace process, largely as a result of the advocacy work and active engagement by the Human Rights Component of UNAMID. The outcome document, the Doha Document for Peace in Darfur, which was signed in May 2011 by the Government of the Sudan and the LJM, fully integrates human rights and justice concerns.
- UNAMID and the UNCT in Darfur applied human rights-based approaches to the conceptualization, development, implementation, monitoring and evaluation of the Integrated Strategic Framework (ISF) for Darfur. The HRS participated at every stage of the ISF, providing technical advice and reporting on the implementation of activities.

Challenges and lessons learned

Key factors that affected the implementation of the human rights mandate in Darfur in 2011 include: (i) the unpredictable security situation that impedes the HRS's ability to monitor and report on the human rights situation in affected areas in a timely manner; (ii) the capacity deficit of national actors on human rights issues due to the absence of a culture of human rights and an independent national human rights institution that could effectively monitor, investigate and advocate for judicial redress for human rights violations; (iii) the weak and unbalanced presence of law enforcement and judicial institutions resulting in low reporting, access to justice challenges for rights-holders and related impediments to the exercise of the right to a fair trial; (iv) continuing impunity and lack of accountability for crimes and human rights violations resulting in few prosecutions and low reporting rates; (v) the lack of an enabling environment that fosters the full enjoyment and exercise of civil and political rights, free from fear, intimidation and reprisals; and (vi) the unequal enjoyment of economic and social rights.

The combined advocacy of UNAMID, UNICEF and the Joint Chief Mediator resulted in the Supreme Court of Sudan rejecting a decision of the Nyala Special Court (Lower Court) for lack of due process and recognition of the three accused persons as "minors." This led to the commutation of their sentences from "death penalty" to "reformatory."
United Nations Joint Human Rights Office in the Democratic Republic of the Congo

Year established 1996 (as a stand-alone office) and 2008 (integration with the Human Rights Division of DPKO)

Staff as of 31 December 2011 104

Background

The human rights situation in the Democratic Republic of Congo (DRC) is worrying. The year 2011 began with mass rapes and other grave violations of international law against civilians in Bushani and Kalambahiro in North Kivu province on 31 December 2010 and 1 January 2011. These violations were attributed to units of the DRC Army (the FARDC) and reported on by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the High Commissioner for Human Rights in July 2011. In eastern DRC, the FARDC undertook military operations against foreign and Congolese armed groups. Armed groups in turn committed reprisal attacks and looting to dissuade or punish communities perceived to be cooperating with the FARDC.

Accountability for human rights and humanitarian law violations remain of concern, although military courts have progressively handed down judgments against middle-rank army and police officers who were deemed responsible for violations. Some notable cases of impunity continued to evade justice, including the Mai-Mai Cheka militia group, responsible for mass rapes in Walikale, North Kivu in August 2010. In a number of trials of FARDC officers identified by the UN Security Council for involvement in sexual violence, courts handed down legally unsound verdicts in favour of the suspects.

A high number of human rights violations were committed against journalists and human rights defenders in the lead-up to DRC’s November 2011 presidential elections. While some improvements were noted among elements of the police in the pre-electoral period, the use of security services against opposition political parties was a concern. The electoral period witnessed instances of inter-ethnic conflict that was fanned by incitement among political contenders and resulted in instances of mass displacement of civilians.

The United Nations Joint Human Rights Office (UNJHRO) of MONUSCO contributes to strengthening respect for human rights and combating impunity by investigating and publicly reporting on human rights violations; accompanying judicial officials in joint investigations to urge the prosecution of perpetrators; protecting human rights defenders, victims, and witnesses; and strengthening access to justice for victims of sexual violence. UNJHRO also strengthens MONUSCO’s peacekeepers in providing protection to communities at risk of conflict and supports implementation of the UN policy which makes UN support to the DRC Army contingent upon the latter’s compliance with human rights standards.

Results

National laws, policies and institutions (EA 1)

On 28 November 2011, the DRC held presidential and legislative elections. During the electoral process, acts of violence and human rights violations, including incidents of inter-ethnic incitement, were committed by the security forces. On the whole, however, the scale of violence was less than that seen in 2006. In the build-up to elections, UNJHRO focused on ensuring respect for human rights, inter alia, through: releasing a public report on human rights violations committed in the months preceding the elections; increased monitoring of human rights abuses related to the electoral period by its field offices; providing resources to partner non-governmental organizations (NGOs) to conduct monitoring; and undertaking high-level preventative missions with the MONUSCO leadership to electoral conflict hot-spots to discourage the use of violence. As of the eve of the elections, UNJHRO offices had trained over 2,000 Congolese police officers on standards for crowd control and public liberties in an electoral period and conducted outreach activities that reached 6,875 participants including State officials, politicians, police, civil society and the media. During the period immediately preceding the vote and the weeks thereafter, the UNJHRO provided material support and technical assistance to the toll free number of the Réseau National des ONG des Droits de l’Homme de la République Démocratique du Congo (RENADHOC) and put in place a free hotline, manned by UNJHRO staff, to receive calls and information related to alleged human rights violations or acts of violence.

The UNJHRO deployed seven joint investigation teams (comprised of UNJHRO human rights
officers, DRC civilian or military prosecutors and judicial police officers) in order to: gather information on incidents which would enable the opening of criminal investigations and prosecutions; and provide material/logistical support for the holding and observance of the proceedings of 30 court hearings (including mobile court hearings) across the DRC. As a result of these trials, 276 judgments were handed down by Congolese courts; 22 of which were convictions for serious crimes under international law, including war crimes and crimes against humanity.

**Justice and accountability mechanisms (EA 3)**

- In 2011, specialized units were established within the Prosecutors’ Offices to investigate and prosecute crimes of sexual violence and will be followed by a project in 2012 (within which UNJHRO plays an advisory role) to deploy women prosecutors and magistrates to selected courts in eastern DRC. The UNJHRO delivered a major training programme to judicial police officers and provided material support to the Specialized Police Units for Crimes Against Women and Children.
- In March 2011, OHCHR sent a high-level delegation to the DRC to consult with the DRC Government, UN system and other stakeholders on follow-up measures to the OHCHR Report in the DRC: Mapping human rights violations 1993-2003. The Mission shared OHCHR’s comments on a bill drafted by the Ministry of Justice to establish a specialized court to try crimes such as those documented in the Mapping Report. The Mission also outlined OHCHR’s approach to ensuring follow-up to the report which entails: ensuring broad-based consultations, including with civil society; providing leadership and coordination for national and international actors interested in supporting transitional justice in the DRC; and providing substantive support to specific transitional justice undertakings, such as the establishment of the Specialized Court and vetting of DRC’s security sector institutions.

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

- During the year, there was an increase in the number of victims, in particular of sexual violence, who were able to seek legal redress, in part due to legal assistance provided by legal clinics and free legal consultation bureaus run by bar associations. Victims and witnesses of human rights violations whose perpetrators had been charged for crimes were also able to participate in a number of trials. This was due to protection and advocacy measures offered by UNJHRO, which ensured they were not subjected to harassment, intimidation or reprisals and that the trials were not conducted in a manner that would compromise the security and dignity of victims and prosecution witnesses. In 2011, UNJHRO 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 DRC’s 11 provinces. The expansion of the programme resulted in a substantial increase in the number of legal clinics assisting victims of sexual violence and the number of victims of sexual violence who received legal redress. In the seven provinces to which the programme was extended, UNJHRO supported a total of 39 legal clinics which provided legal assistance in judicial proceedings to 2,263 victims of sexual violence out of 12,311 individuals who visited the clinics with a complaint. Of the 2,263 victims assisted in court, 719 cases resulted in a judicial verdict or judgment. Only 14 of these judgments are, however, actually being executed. Through both the Protection Programme and the Programme on Access to Justice for Sexual Violence Victims, the UNJHRO enabled the participation of victims and witnesses in court proceedings who would otherwise have been absent due to travel costs and fears of reprisals from perpetrators. In sexual violence cases, the participation of 1,491 victims and witnesses was supported in 28 mobile court hearings during which 319 cases were tried. The UNJHRO’s Protection Programme also offered protection to victims and witnesses in major trials, such as the criminal trials of the five FARD parks identified by the UN Security Council for involvement in sexual violence.
**State engagement with human rights mechanisms (EA 6)**

- With UNJHRO’s assistance, the Government presented a 60-page ‘Plan de mise en œuvre des recommandations des droits de l’homme’ to the Human Rights Council’s session in 2011. The Plan identified outstanding recommendations, Government departments (and partners) responsible for their implementation and tentative time and cost estimates. The plan, however, has limitations in terms of concrete targets, deadlines and a commitment of resources towards its achievement. The Government failed to take immediate steps to implement the plan following its presentation to the Council.

- The Government’s Interministerial Committee responsible for preparing State Party reports to the international human rights treaty bodies prepared the overdue 16th, 17th and 18th reports to the Committee on the Elimination of Racial Discrimination. UNJHRO supported the convening of the Committee to prepare a first draft of the consolidated report and to review/validate the draft report, which should be ready for submission in 2012.

**Human rights mainstreaming within the United Nations (EA 11)**

- Human rights concerns and approaches are strongly reflected in the DRC’s United Nations Development Assistance Framework (UNDAF) (2012-2017) which was developed in 2011. Two of the UNDAF’s six outcomes are human rights-focused, namely: “DRC’s institutional framework and civic structures are strengthened to promote human rights and development in the DRC” (Governance Outcome) and “All of DRC’s regions register significant progress in the protection of civilians in armed conflict, respect for human rights and the reduction of conflicts” (Peace and Stabilization Outcome). During the UNDAF prioritization workshop, UNJHRO served as the lead resource on mainstreaming a human rights-based approach (HRBA) into the UNDAF, delivering a substantive presentation on HRBA and auditing the draft UNDAF results frameworks.

- In mid-2011, the UNJHRO deployed the first OHCHR-funded human rights officers to a peacekeeping mission dedicated to the protection of civilians in eastern DRC which continues to face intense armed conflict. The deployment of nine international human rights officers to perform these tasks was only completed in late 2011. Thus far, UNJHRO has increased its participation in various Protection of Civilians Missions in eastern DRC, in particular for at-risk or ‘Must-Protect’ areas that have been identified as needing priority measures to protect civilians at risk of armed conflict. UNJHRO has also strengthened MONUSCO’s decision-making process for monitoring the effective implementation of recommendations made to peacekeepers for the protection of civilians.

- With regard to integrating human rights into UN peacekeeping, global developments took place in 2011 emanating from UNJHRO/MONUSCO’s work in relation to conditioning UN support to national security forces based on the latter’s compliance with human rights standards. Although this global development is not directly attributable to UNJHRO’s work, the DRC served as a noteworthy test case of human rights-based conditionality by the UN. On 13 July 2011, the Secretary-General’s Policy Committee adopted a UN-wide Human Rights Due Diligence Policy (Decision No. 2011/18), which requires that UN support to non-UN security forces is consistent with international law obligations to respect and protect human rights and international humanitarian law.

**Challenges and lessons learned**

A number of factors impeded progress achieved towards establishing a State-owned mechanism to vet and remove personnel in the security sector based on their past or current human rights conduct, including the following: the Government of DRC showed little inclination to engage in multilateral comprehensive security sector reform and instead gave preference to bilateral arrangements to provide ad hoc assistance to parts of its security sector; MONUSCO’s mandate, as re-defined in the transition from MONUC to MONUSCO in UN Security Council resolutions 1925 (2010) and 1991 (2011) did not retain the vetting of security forces as a mission objective as had previous resolutions; and transitional justice, which deems the vetting of public institutions, including the security services, as a fundamental pillar, also registered limited progress.

Following the late 2010 release of the OHCHR Report, “DRC: Mapping human rights violations 1993-2003” (which recommended vetting among transitional justice mechanisms), the DRC Government’s follow-up measures exclusively focused on the potential for the prosecution of perpetrators through a specialized court rather than other measures, such as vetting. In August 2011, the DRC’s Senate rejected a draft bill to establish the Specialized Court, citing: concurrent legislation which would grant jurisdiction over these crimes to different courts; the granting of a special status to the Court’s judges that was different from the rest of the
Congoles judiciary; and the presence of international judges on the proposed Court. The Senate also objected to the Court being exempted from current Constitutional privileges which limit the types of courts before which holders of high public office (the President, Cabinet members, Members of Parliament) may be tried. This development underscored the need for consultations with Government, civil society and donors to build broad-based support for transitional justice.

Structural weaknesses in the rule of law are an underlying challenge to improving DRC’s human rights situation. Even when military courts charge those responsible for serious crimes, they are impeded by military commanders who protect their subordinates. It appears that until military operations end in eastern DRC, the alliances forged by the central Government will continue; keeping local warlords in power, within the army and out of the reach of justice.

The DRC witnessed an extraordinarily high number of organized prison escapes, often committed with the complicity of poorly paid prison staff. In a single jailbreak in Katanga province, over 300 inmates escaped, including persons convicted for war crimes and crimes against humanity. These recurrent escapes from prisons meant that victims and witnesses who had testified against the fugitives, and the prosecutors and judges who tried them, were at serious risk of reprisals. Gains achieved in addressing impunity by convicting perpetrators of sexual violence were often wiped out by these escapes. MONUSCO’s Corrections Section is working to address this concern.

A significant lesson learned in 2011 was the importance of working closely (within a peace mission) with all other mission components to mitigate and prevent human rights violations during an electoral period. UNJHRO’s close interaction with the leadership and other parts of the mission, including UN police and the public information and political divisions, was critical to preventing and investigating human rights violations.

United Nations Peacebuilding Support Office in Guinea-Bissau

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Background

Guinea-Bissau has started implementing recommendations emanating from the Universal Periodic Review (UPR) through: ratifying international and regional human rights treaties; submitting reports to treaty bodies; adopting laws prohibiting female genital mutilation (FGM) and human trafficking; preparing for the adoption of new laws (domestic violence and witness protection); revising key legislation, including a partial revision of the Code of Penal Procedures; and preparing for the revision of other legislation. In addition, Guinea-Bissau has issued an open invitation to special procedures and two visits by special rapporteurs are scheduled for 2012. Progress has also been achieved with regard to strengthening the capacity of the National Human Rights Commission and Members of Parliament, security and defence forces and enhancing the administration of justice through the adoption of a national policy for the justice sector.

Serious human rights challenges nevertheless remain, such as the need for security sector reform that incorporates principles of human rights and gender equality; continued justice sector reform, including a constitutional review and the enacting of important legislation; strengthening the national legal framework; enhancing the independence of national human rights institutions (NHRIs) according to the Paris Principles; and strengthening the implementation capacity of State institutions and civil society organizations (CSOs).

The main human rights violations in Guinea-Bissau include arbitrary and illegal arrests and deterioration of detention conditions; widespread sexual and gender-based violence; child abuse and rape; domestic violence; harmful traditional practices; abuse of power by security and military authorities; lack of independence of the judiciary and systematic use of traditional justice as a result of the lack of effective State institutions as well as the centralization of State administration.
The current format of the Human Rights Section was created in January 2010, with the establishment of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNIOGBIS) as an integrated mission, and represents OHCHR in the country. Based on Security Council resolutions 1876/2009, 1949/2010 and 2030/2011, the Section is mandated to undertake human rights promotion, protection and monitoring activities and support the institutionalization of respect for the rule of law and the fight against impunity. OHCHR has supported all aspects of the implementation of the mandate, including in relation to UPR recommendations and the fight against impunity. It has also contributed to the implementation of security sector and justice sector reform and the strengthening of the capacity of the National Human Rights Commission, Members of Parliament, security and defence forces and CSOs.

Results

National laws, policies and institutions (EA 1)

As a result of the UPR process which started in 2010, the Government has domesticated several international and regional human rights treaties (the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)), adopted laws against FGM and human trafficking and is in the process of adopting new laws on domestic violence and witness protection. OHCHR provided inputs to the draft laws prohibiting FGM and human trafficking and a National Policy on Gender Equality and Equity which is to be adopted in early 2012.

OHCHR also contributed, together with other partners, to strengthening coordination among national institutions responsible for the administration of justice. Due to a coordinated approach, violators of the newly adopted law on FGM were brought to justice and prosecuted; demonstrating that impunity is no longer tolerated.

A study on violence against women was prepared and published with the support of UN Women, UNFPA and UNIOGBIS/OHCHR. The study enabled national authorities to measure the problem of gender-based violence, revise strategic documents, readjust the draft Policy on Gender Equality and Equity, as well as the draft law on domestic violence. OHCHR facilitated coordination among UN Gender Thematic Group members who dealt with matters related to women’s empowerment, women’s rights and sexual and gender-based violence. OHCHR also supported training on violence against women and assisted with the preparation of the women’s economic and social empowerment project funded by the Peacebuilding Fund under the “Gender Promotion Initiative.”

OHCHR helped strengthen the capacity of law enforcement officials, including in the penitentiary system, through training, monitoring, reporting and advising respective authorities on necessary measures. This contributed to a significant reduction of arbitrary detentions and ill-treatment in prisons and detention centres and prompted the creation of an interdisciplinary committee to provide support to authorities for the adequate management of the penitentiary system.

Training was provided to defence forces throughout the country and resulted in improved awareness of international human rights standards, the role of the military in human rights promotion and protection and better knowledge of the Economic Community of West African States (ECOWAS) Code of Conduct and national legislation that is applicable to the military. The trainings also contributed to the establishment of a military judiciary police and allowed military institutions, such as the Military Prosecutor and the Superior Military Court, to work more autonomously. As a result of the advocacy and training of the Human Rights Component, the need for a military justice code and a code of military discipline was identified. Both instruments are currently under discussion and likely to be issued in 2012. In addition, the training-of-trainers manual for the military has become a tool for mainstreaming human rights into security sector reform.

Justice and accountability mechanisms (EA 3)

A Guardian system within the Office of the Prosecutor General to protect against child abuse was established, partly as result of the Human Rights Component’s advocacy in terms of fundraising and technical support. The Human Rights Component also strengthened the coordination and oversight role of the Guardian ad litem system over the judiciary police with regard to child protection.

The Human Rights Component facilitated the creation of an interdisciplinary committee to ensure compliance of prisons and detention centres with international standards for detention. The Committee is made up of Government departments in charge of the penitentiary system (Ministries of Justice, Interior and Health), the...
Office of the Prosecutor General, courts, ICRC, non-governmental organizations (NGOs), the European Union and the Human Rights Working Group. As a result of monitoring findings in the area of the administration of justice, the Government agreed to the creation of an integrated structure for the administration of the corrections system. OHCHR provided technical support for the drafting of the terms of reference of the structure, which is expected to be created in early 2012.

The role of civil society in human rights protection and monitoring was enhanced through the creation of a national forum for coordination and information sharing among CSOs with regard to cases of human rights violations, joint monitoring and reporting, assessments and training activities. Civil society and the NHRI issued public statements on violations of human rights and the rule of law.

**Human rights mainstreaming within the United Nations (EA 11)**

- Gender was mainstreamed in the Second Poverty Reduction Strategy Plan (PRSP II) and the United Nations Development Assistance Framework (UNDAF). OHCHR contributed to the identification of the elements to be integrated into the PRSP II and the formulation of a human rights dimension. As a member of Outcome Group II and leading partner for the implementation of Benchmark II of the UNDAF Plus, OHCHR provided technical support to the Strategic Planning Group to ensure the integration of human rights into the UNDAF Plus. As a result, the Poverty Reduction Strategy Paper includes, for the first time, a human rights dimension as a cornerstone for peace consolidation, poverty reduction and stability. In addition, human rights have been integrated in Outcome Group IV as a basis for security and justice sector reform.

**Challenges and lessons learned**

Sustained reinforcement of the capacities of national institutions and civil society organizations is required to enhance human rights protection, coordination among all stakeholders, monitoring and reporting.

One of the lessons learned was that the strong engagement of Government, State institutions, civil society organizations, including belief groups, combined with a well-coordinated approach and joint strategy among all partners, is most likely to yield tangible results. Proof of this position is the adoption of two important new laws on FGM and human trafficking.
United Nations Mission in Liberia

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<td>Staff as of 31 December 2011</td>
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Background

Encouraging progress was achieved in Liberia, including through instilling human rights in the security sector, the development of a national human rights action plan and the promotion and protection of the rights of disempowered persons, such as women, children and persons with disabilities. A number of human rights challenges nevertheless remain, such as deficiencies in the administration of justice, pervasive sexual and gender-based violence and the lack of fulfillment of economic and social rights.

OHCHR carries out its activities in Liberia through the Human Rights Component of the United Nations Mission in Liberia (UNMIL). In 2011, the Human Rights and Protection Section (HRPS) prepared for the planned UNMIL draw-down by developing the capacity of Government authorities to fulfill their human rights obligations and equipping civil society with the knowledge and tools to claim their rights.

On the eve of the run-off election, however, Liberia’s security forces reportedly used excessive force while responding to protestors from the Congress for Democratic Change (CDC). This resulted in the death of at least one person, with several others sustaining injuries and bullet wounds. HRPS monitored detention and health facilities and followed up with relevant stakeholders, including the Special Independent Commission of Inquiry established by the President to investigate the circumstances surrounding the events and identify those responsible.

The post-electoral crisis in Côte d’Ivoire prompted a massive influx of refugees into Liberia, triggering human rights, humanitarian and security concerns and exerted immense pressure on the resources of host communities. HRPS took the lead on the question of the interment of suspected Ivorian armed elements.

In 2011, HRPS achieved significant results in increasing broad-based participation in the Government’s development processes. It also ensured the United Nations Country Team (UNCT) applied a human rights-based approach (HRBA) to its programming, including in relation to Liberia’s Second Poverty Reduction Strategy Paper (PRSP II 2012-2017).

Results

National laws, policies and institutions (EA 1)

- In June, the Liberia Legislative Staff Human Rights Association was established with the objective of promoting the domestication of international human rights instruments. HRPS contributed to its establishment through technical support. Technical and financial gaps were identified in the process and an agreement was reached to address these gaps through international cooperation.
- HRPS, together with national and UN partners, participated in the development of the Children’s Act, a child justice curriculum and ethical guidelines for professionals working with children in conflict or in contact with the law. HRPS’ input included ensuring that human rights were mainstreamed in relevant legislation and policies. The comprehensive and human-rights compliant Children's Bill was signed by the President in February 2012.
- The Senate adopted the Decent Work Law in 2011. In collaboration with ILO, HRPS provided technical advice to the Ministry of Labour on a capacity development plan to oversee the implementation of the Law and monitor its compliance with international human rights standards.
- HRPS also provided technical support to the National Human Rights Action Plan (NHRAP) Steering Committee and its subcommittees which initiated consultations with State and civil society actors. A first outline of the plan was formed during the consultation workshops. HRPS provided technical support to data analysis related to the National Human Rights Survey, capacity development of the Liberia Institute of Statistics and Geo-Information Services (LISGIS) on human rights statistics and the formulation of human rights indicators for the NHRAP and national development policies.
- In addition, HRPS provided technical advice to the Independent National Commission on Human Rights and the newly created National Commission on Disabilities. HRPS assisted them with the formulation of their respective strategic plans in line with international standards for human rights institutions. HRPS also advised the Human Rights and Disability Task Force which helped civil society organizations to view disability from a human rights perspective and advocated for the establishment of the National Commission on Disabilities.
- Human rights training has become an established practice in the Liberia National Police, the Bureau of
Immigration and Naturalization and the armed forces of Liberia, following efforts by HRPS during which instructors promoted human rights standards and peer-monitoring of personnel. A training programme was conducted for personnel of the Special Security Service to integrate human rights standards into their training and operations systems.

The Ministry of Planning and Economic Affairs (MPEA) hosted a national workshop to familiarize its staff with the concept of HRBA to mainstream human rights in Liberia’s PRSP II 2012-2017 with technical advice and training from HRPS and UNDP. The workshop enhanced dialogue between the MPEA and civil society on the monitoring of local development processes and the rights of persons with disabilities. As a result, a briefing paper analysing the Liberian National Budget for 2011-2012 from a human rights perspective was presented to the legislature by civil society organizations.

The National Investments Commission (NIC) endorsed a Ten Principles Framework on Business and Human Rights. The Framework enumerates business and human rights standards for NIC when negotiating and developing concession agreements and monitoring and advising business operations. This came about following training sessions conducted by HRPS on the subject for departmental staff of NIC. As a result of HRPS’s technical support, stakeholders in the public and private sectors and civil society, including the Liberia Chamber of Commerce, undertook initiatives to promote the adoption of human rights standards by business enterprises.

Participation (EA 5)

Civil society networks were able to gather data and monitor the implementation of a human rights-based approach in Liberia’s Poverty Reduction Strategy and County Development Agendas in relation to health, education and the rights of persons with disabilities in five counties, with technical support provided by HRPS.

Results of a pilot project on the new Freedom of Information Law, the County Development Fund (CDF) and Social Development Fund (SDF), implemented in three counties, with support from the World Bank, included the: (i) establishment of a civil society human rights and budget network for budget monitoring and advocacy on various sectors, including health, at county level; (ii) production of a booklet to enhance the capacity of local civil society organizations to monitor accountability and transparency of CDFs and SDFs; and (iii) creation of a database containing over 300 active civil society organizations in 15 counties in order to strengthen civil society engagement in.
the 2012 PRSP II nationwide consultation processes. HRPS provided technical support and played a facilitating role in the project.

- A briefing paper analysing Liberia’s National Budget for 2011-2012 from a human rights perspective was presented to the legislature by civil society organizations. The process began with the MPEA hosting a national workshop on mainstreaming human rights in Liberia’s PRSP II 2012-2017 to which HRPS and UNDP provided technical advice and training. A dialogue was then established between the MPEA and civil society on the need to monitor development processes which led to inputs from civil society on Liberia’s national budget. Civil society networks also monitored the implementation of Liberia’s Poverty Reduction Strategy and County Development Agendas in the areas of health and education.

**State engagement with human rights mechanisms (EA 6)**

- Following its review under the Universal Periodic Review (UPR) mechanism, the Government began implementation of its recommendations (see above).

**Human rights mainstreaming within the United Nations (EA 11)**

- A human rights-based approach to monitoring and evaluation was included in the United Nations Development Assistance Framework (UNDAF). The Monitoring and Evaluation Technical Support Group to the Inter-Agency Programming Team (IAPT) collaborated with UN agencies on mainstreaming human rights, gender and results-based management in UNCT projects and programmes. As a result, a database is being developed as a common tool and reference for individual agencies and to facilitate joint programming. HRPS spearheaded these initiatives as the lead organization on mainstreaming human rights into the work of the United Nations.

- Human rights were integrated in the justice sector and human rights capacity was enhanced, including through the Pre-trial Detainees Taskforce which is mandated to address issues concerning pre-trial detainees. Thanks to the efforts of the Taskforce, among other factors, the percentage of pre-trial detainees decreased in 2011. The HRPS, together with other partners, contributed to this result by monitoring activities and advising the Government on the establishment of appropriate mechanisms for the appointment of judges, magistrates and public defenders, effective record keeping and improved coordination between police and prosecutors.

**Challenges and lessons learned**

There has been continued progress in building a foundation of knowledge and capacity among a range of State actors to promote and protect human rights. A sustainable initiative has been undertaken in the security sector by trained human rights instructors to promote human rights standards through training of their peers. There is a need, however, to focus on the Emergency Response Unit (ERU) and the Police Support Unit (PSU), the only armed elements within the Liberia National Police (LNP), as they showed weaknesses in performing according to human rights standards during student demonstrations in March 2011 and events in November 2011 at the CDC Party headquarters.

Another challenge has arisen due to the fact that the recently established national human rights institution has not met the expectations of the Liberian people due to internal disputes. The HRPS has had to revise its originally projected programme of technical assistance to the institution.

**A vegetable farm in Lofa County helps young vulnerable women live dignified lives**

In Lofa County, the number of young women living in extreme poverty is high. Typically, many are undereducated and face numerous economic and social challenges. Some of these women are not supported by their families and have been abandoned by their partners. As job opportunities in Lofa are scarce, especially for illiterate young women, they are left vulnerable to sexual exploitation and gender-based violence. As a last resort, some have become engaged in exploitative prostitution.

The Young Women Empowerment Sustainable Organization (YWESO) is a grassroots civil society organization in Voinjama created by a few educated young Liberian women who were affected by the plight of their less fortunate sisters. Their objective is to save vulnerable women from sexual exploitation. They address the root causes of exploitative prostitution which include poverty, lack of education and unemployment. OHCHR supported the establishment of a vegetable farm near Voinjama by providing funds for farming tools, vegetable seeds and the initial cleaning of the farmland. The farm is managed by YWESO and provides training in farming skills and alternative livelihood opportunities for 25 vulnerable women. It is an opportunity to promote economic and social rights in a rural environment and develop the capacity of the women to realize and fully enjoy their rights.
United Nations Integrated Peacebuilding Office in Sierra Leone

**Year established** 1998

**Staff as of 31 December 2011** 8

**Background**

Sierra Leone has made progress in building capacity for the promotion and protection of human rights. An active multiparty democracy has evolved and the enactment of crucial laws in 2011, including the Persons with Disability Act, improved the legal framework which protects vulnerable persons. Customs and traditions, however, still promote harmful practices and discrimination that prevent the full implementation of these laws. The Human Rights Commission of Sierra Leone (HRCSL) made substantial progress in 2011, culminating in the awarding of “A” status by the International Coordination Committee of National Human Rights Institutions (ICC). The country actively engaged in the Universal Periodic Review (UPR) process and the implementation of UPR recommendations has begun. The socioeconomic conditions remain extremely challenging and the increasing presence of extractive industries in the north is creating serious human rights concerns. Power-sharing and land disputes led to unrest in certain communities. Financial and capacity constraints negatively impacted on the administration of justice and created room for impunity. The upcoming 2012 elections represent one of the major challenges that the country is facing and serious cases of political violence have already been registered. Disproportionate use of lethal force by the police, lack of mechanisms for transparent internal investigation and an indefinite blanket ban on political activities (recently lifted) resulted in multiple violations of fundamental human rights. The constitutional review process and the implementation of crucial recommendations made by the Truth and Reconciliation Commission, including the abolition of the death penalty, have been postponed until after the elections.

OHCHR has been involved in Sierra Leone since 1998 as part of successive UN missions. The field presence engaged with the Government and Members of Parliament in promoting human rights legislation and was instrumental in the achievements of the Human Rights Commission of Sierra Leone (HRCSL). The United Nations Integrated Peacebuilding Mission in Sierra Leone (UNIPSIL) Human Rights Section (HRS) was essential in ensuring the active participation of all relevant actors in the UPR process and built the capacity of civil society to advance human rights in the country. The Section also engaged in training and advocacy activities with a wide range of stakeholders, has continuously monitored the human rights situation and intervened when required. In response to monitoring findings, for instance, new strategies were put in place to enhance coordination between justice sector institutions.

**Results**

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

- The HRCSL made substantial progress in 2011 and as noted above, was awarded “A” status by the ICC in July. The Commission established a Monitoring and Research Directorate to effectively monitor and report on human rights issues. The HRS provided financial and technical support to the implementation of the projects. In collaboration with UNDP, HRS also helped the Commission to establish the Directorate, delivered training on monitoring and reporting for 34 commissioners and staff and helped develop monitoring and reporting tools.
- Several chiefdoms have now formed Chiefdom Human Rights Subcommittees to promote and protect human rights in rural communities. The Section contributed to this result through constant engagement with civil society, and in particular by supporting the District Human Rights Committees.
- In 2011, eight district justice sector coordination fora were held in the area of administration of justice. Their aim is to provide a platform for justice sector stakeholders to discuss monitoring findings and devise practical strategies, including advocacy measures, to improve justice delivery.
The fora resulted in tangible successes, such as the improvement of detention conditions; the release of juveniles detained with adults; the fast-tracking of cases blocked in court; a reduction in the delay of sexual and gender-based violence (SGBV) cases in court (30 SGBV cases that had been awaiting hearings before the High Court for two to three years were finally heard); and the ceasing of arbitrary arrest and detention of people by police without bail. The HRS played an important role in the promotion of these fora.

In a landmark decision, during its first (quasi-judicial) tribunal hearing in June, the Human Rights Commission of Sierra Leone ruled in favour of 235 ex-servicemen of the Sierra Leone Armed Forces (RSLAF) who had been compulsorily retired after having been categorized as “chronically ill” and “mentally unbalanced,” and urged the Government to pay their end of service benefits and issue new discharge cards. The HRS provided technical advice to the HRCSL. Support was also provided by partners of the UN Joint Vision Programme. Supporting the HRCSL’s quasi-judicial function is particularly important because, despite a strong mandate, both the Government and judiciary are reluctant to provide the necessary support to the Commission in this area.

A post-graduate programme in human rights and conflict resolution at the University of Sierra Leone was developed with the support of HRS and a number of its partners. The programme was launched in September 2011 and will be delivered by the University of Sierra Leone in partnership with Scuola Superiore Sant’Anna, in Pisa, Italy.

A draft Gender Equality bill was drafted and submitted to the Government through the Office of the Attorney General. The Section provided technical and advisory services to the Government, in particular to the National Committee on gender-based violence and civil society organizations. In collaboration with the UNIPSIL Political Affairs Section, HRCSL hosted several consultative meetings.

Access to justice and basic services (EA 4)

Training delivered by the HRS in collaboration with HRCSL on SGBV, engaging State agents and utilizing existing mechanisms in cases of violations resulted in the formation of support groups made up of women and men from strategic sectors that disseminate this knowledge in their respective communities, monitor implementation of the laws and provide support to victims wishing to access justice.

In reports of a number of recent cases of SGBV, State actors performed their roles correctly and victims were duly protected. In cases when this did not occur, victims held the authorities accountable. Monitoring and sensitization activities by the HRS helped ensure this result.

Participation (EA 5)

The Section has delivered or supported training to a large number of actors in the justice sector. The participants later shared their knowledge with their own communities, Sierra Leonean peacekeepers, civil society organizations and journalists. The latter immediately made use of the acquired skills in their daily work which contributed to improving the quality and accuracy of reporting the news from a human rights perspective.

As a result of an engagement that began in 2010 and was reported on last year, the Government of Sierra Leone enacted the Persons with Disability Act 2011, which largely fills the gap between Sierra Leone’s international obligations and its national legal framework. Accessibility of persons with disabilities to basic services nevertheless remains a challenge. The Section conducted extensive research on the rights of persons with disabilities which looked into, inter alia, access to health, employment and other economic and social opportunities. It published a public report following this research in order to support the Government in its efforts towards the implementation of the Act. The Government responded positively to some of the recommendations, in particular fast-tracking the establishment of the National Commission on Persons with Disability. In January, a Steering Committee began meeting every two weeks to prepare a plan and time frame. As indicated in the Act, all members of the future Commission will be part of the Steering Committee.

A draft bill on securing a 30 per cent quota for women in decision-making positions has been tabled. The HRS, in collaboration with the UNIPSIL Political Affairs Section, provided technical support and participated in the deliberations leading to this result. Currently, pressure is mounting for the draft bill to be enacted in early 2012 to ensure that the 30 per cent quota will be respected in the upcoming general elections in November 2012.

State engagement with human rights mechanisms (EA 6)

The Government of Sierra Leone, with the support of OHCHR, was able to meaningfully participate in the UPR process. A total of
129 recommendations were issued and the Government accepted all of them except the recommendation related to sexual orientation. The Section’s high-level strategic engagement with the Government continued after the adoption of the report with the organization of a national conference to review the outcome of the UPR. In following up on the outcome report of the conference and the conference resolution, the Office of the President wrote to all relevant ministers and departments directing the mainstreaming of the UPR recommendations into their programmes.

The significant attention paid to the UPR process partially explains why achievements in treaty reporting have been slow and limited to the submission of the common core document. After an intense engagement, the Section succeeded in re-energizing the National Reporting Strategy, triggering high-level commitment and delivering training in treaty body reporting to ministerial focal points. Concrete steps have not yet been taken to follow up on the training. Parallel to this engagement with the Government, HRS provided training to civil society organizations on ‘shadow reporting’ to the treaty bodies.

Civil society engagement with human rights mechanisms (EA 7)

With the support of HRS, the Human Rights Commission played an outstanding role in the UPR by actively participating in the process in Geneva, holding regional consultations with stakeholders ahead of the adoption of the report and organizing a national conference to review the outcome of the UPR for Sierra Leone. Participants included the President of Sierra Leone as well as the Vice-President, cabinet ministers and Members of Parliament, civil society and international development partners. Important results from the two-day event included a conference resolution, an outcome report with priorities, tasks and responsible actors for follow-up and an agreement to hold another national conference in 2013 to review progress in the implementation of UPR recommendations.

Human rights mainstreaming within the United Nations (EA 11)

In December 2008, UNIPSIL and the UNCT adopted a UN Joint Vision (UNJV) under which they agreed to combine their efforts to further the consolidation of peace. UNIPSIL and the UNCT have established common facilities and services such as joint regional offices, a multi DONOR fund, a joint strategic unit, a medical facility, security services and a vehicle repair shop to enable the UN to deliver its services holistically by maximizing synergies and avoiding duplication and overlapping interventions.

The Section observed that in the past, the UN directly supported the Government in producing reports to the treaty bodies. While this support was instrumental in achieving submission of the reports to the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, it did not take into consideration the existing national reporting strategy which is valid for all State Party reports to the treaty bodies and establishes the Human Rights Secretariat of the Ministry of Foreign Affairs and International Cooperation as the lead agency. UN agencies dealt directly with relevant ministries, thereby sending contradictory messages and jeopardizing HRS’s capacity building efforts in this sector. In addition, UN agencies previously recruited consultants to write the reports rather than building the capacities of national actors to do so. The Section raised this issue at the UNCT level and sought better coordination on treaty reporting. As a result, UNIPSIL and the Human Rights Secretariat of the Ministry of Foreign Affairs are actively involved in the production of the next periodic report to the Committee on the Rights of the Child.

The coordination among partners of the UNCT through its UNJV Programme 2 on “Access to Justice and Human Rights” was strengthened by pooling resources in joint activities ranging from trainings to support in launching a post-graduate university programme in human rights and conflict resolution and the publishing of a joint newsletter on human rights entitled “2gether.”
Challenges and lessons learned

In response to coordination flaws in justice sector institutions, UNIPSIL promoted the establishment of coordination fora among justice sector institutions. The successes of this initiative have shown that promoting regular exchange of information and enhanced coordination among key actors at local levels can contribute to addressing profound challenges with few resources.

In terms of treaty reporting, achieving the Section’s expected accomplishments proved challenging. Partly due to the Government’s focus on the UPR, the undertaking of concrete steps on treaty body reporting started late in the year. In addition, capacity constraints in the Government undermined efforts to work consistently on this objective. Thus, despite the support of UNIPSIL and the Government’s overall commitment, results are limited.

United Nations Political Office in Somalia

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Background

While the regions of Somaliland and Puntland enjoy relative stability, south-central Somalia continues to be plagued by armed conflict characterized by violations of human rights and humanitarian law. The famine that affected the Horn of Africa in 2011 resulted in massive displacement and aggravated the human rights crisis in Somalia. It also created acute protection concerns, such as the emergence of sexual violence against internally displaced women and girls.

In 2011, armed extremists were responsible for massive human rights violations. Due to a climate of heightened insecurity, certain categories of people were singled out for targeted assassinations, including journalists, traditional and religious leaders, as well as Government officials and judges. On the other hand, arbitrary arrest and detention by the Somali authorities on suspicion of linkages to insurgents, lack of due process and substandard detention conditions are widespread. Democratic space is restricted, as indicated by the frequent arrest and incarceration of journalists in all parts of the country on charges of defamation and slander. Minimum core elements of economic and social rights, including the rights to health, food and education, remain unmet. Discrimination, in particular against women and minority clans, remains a serious concern. Somali institutions lack the capacity and resources to meet their responsibilities vis-à-vis human rights.

In 2011, military offensives by the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM) combined with tactical withdrawals by Al Shabaab led to territorial gains for the TFG and made possible the redeployment into Somalia of the United Nations Political Office for Somalia (UNPOS), which had been organizing its operations in Somalia from Nairobi. While opportunities for progress in the area of human rights have opened up, the security situation remains volatile and the political situation unstable as the transition period approaches its end in August 2012.

The Human Rights Unit (HRU) was created within UNPOS in 2008 with the broad mandate to carry out monitoring and capacity-building in the area of
human rights. Somalia engaged actively in the Universal Periodic Review (UPR) process in 2011 and the UPR recommendations chart a comprehensive vision for improving the human rights situation in Somalia. Following the adoption by the Human Rights Council of several resolutions calling on OHCHR to support the Somali authorities through technical cooperation in the area of human rights and at the request of the TFG, a Memorandum of Understanding is expected to be signed in 2012.

Results

National laws, policies and institutions (EA 1)

▶ Security sector development was identified as a priority for Somalia in the September 2011 Roadmap to End the Transition. The Human Rights Unit supported the Somali authorities in trying to bring an end to rampant impunity by mainstreaming human rights in security sector development and the rule of law. The Human Rights Unit contributed to the work of the Military and Police Technical Working Group and the Joint Security Committee to ensure attention to key issues such as accountability of security forces, civilian oversight and the treatment of ex-combatants in accordance with international standards.

▶ The adoption of a new Constitution for Somalia was identified as a second priority in the Roadmap. The HRU contributed to the Constitution-making process by promoting two dialogues in Mogadishu that provided an opportunity for Somalia-based human rights defenders, civil society groups and Government officials to review the text from a human rights perspective and provide their comments to the Federal Constitutional Commission. The draft Constitution is expected to be adopted in 2012.

▶ In Somaliland and Puntland, progress was achieved towards the establishment and functioning of regional human rights institutions. Legislation establishing the Somaliland National Human Rights Commission is based on a legislative framework that, although not fully compliant, is close to the spirit of the Paris Principles. In Somaliland, the Unit assisted the Somaliland Human Rights Commission in carrying out an assessment of its strengths and weaknesses as a baseline for the development of its future strategy. In Puntland, legislation was passed establishing the Office of the Human Rights Defender. The Human Rights Unit advocated for compliance with the Paris Principles by commenting on the draft law for the regional human rights institution and organized a series of consultations for civil society and regional authorities on the role and functions of human rights institutions.

▶ In December 2011, the TFG established a Task Force, reporting directly to the Prime Minister of Somalia, to adopt measures to prevent and
address gender-based violence. This was partly the result of a monitoring project of the Human Rights Unit which documented cases of sexual violence against women and girls in camps for internally displaced persons (IDPs). A strategically planned visit by the Special Rapporteur on violence against women contributed further to placing the question of gender-based violence on the Government’s agenda.

**Justice and accountability mechanisms (EA 3)**
- In the area of the rule of law, the Human Rights Unit chairs the Justice and Corrections Technical Working Group, which seeks to strengthen cooperation among key national and international actors in the administration of justice. The right to a fair trial, access to justice for discriminated groups, the independence of the judiciary, and international standards for detention have been placed on the agenda thanks to the advocacy and leadership of the Human Rights Unit.
- The Unit collaborated with UNICEF and UNODC for an assessment of the corrections system. In Somaliland, the Unit trained 30 prison officials from the Somaliland Custodial Department of the Ministry of Justice. Partly as a result of this engagement, the Ministry of Justice of Somaliland established an internal monitoring mechanism which conducts periodic visits to all prison facilities in the region.
- The Human Rights Unit trained law lecturers from Mogadishu University, East African University, Puntland State University and Hargeisa University on human rights in the administration of justice in order to strengthen their legal skills, increase understanding of their critical role in developing a human rights culture and facilitate a unique exchange across different regions and legal traditions of Somalia. The trainees are expected to train other legal practitioners in 2012.

**State engagement with human rights mechanisms (EA 6)**
- In the course of 2011, the TFG presented its national report to the Human Rights Council in the context of the UPR and accepted, in full or in part, all 155 recommendations. OHCHR and the Human Rights Unit supported this engagement by organizing a workshop to familiarize senior TFG officials (including its current Prime Minister) with human rights, extend technical cooperation to the TFG in the drafting of the national report, and facilitate the Government’s participation in the UPR discussion in Geneva in May 2011. The Unit has translated into Somali and published UPR-related documentation to promote awareness of recommendations and commitments made in the country.

### Challenges and lessons learned

Several external and internal challenges in 2011 continued to hinder the promotion and protection of human rights in Somalia.

The armed conflict, coupled with widespread armed violence, often along clan lines, make large parts of Somalia unsafe for humanitarian or human rights work. Security restrictions prohibit access to south-central Somalia, and in Mogadishu, subordinate movement to heavy security measures, such as armed escorts. Activities in the areas of monitoring and investigation are complicated further by witness and victim protection considerations.

In spite of the volatile security environment, the Human Rights Unit was able to carry out most of its activities inside Somalia in 2011.

The de facto division of areas of Somalia that are not under the control of armed extremists into three regions (Mogadishu, Puntland and Somaliland) with distinct authorities, needs and demands for technical assistance, present other challenges for the Human Rights Unit which finds itself thinly spread between the three regions. In Mogadishu, internal strife within the transitional federal institutions, accompanied by frequent changes in cabinet and leadership, make it difficult to identify a clear duty-bearer. In the complex political environment of Somalia, a key lesson learned is the importance of working with the Somali authorities in a collaborative manner that ensures their participation in setting the human rights agenda and guarantees national ownership with accountability for commitments undertaken.

Another key challenge is the small size of the Human Rights Unit in comparison to the vastness and complexity of the issues faced in Somalia. The integration of the Human Rights Component in UNPOS, in accordance with established policy and practice, provides numerous advantages to the Human Rights Unit, notably in the areas of security, logistical and administrative support. Some stakeholders, however, have criticized the Unit’s integration into a political mission, which may be perceived as compromising the Unit’s independence and impartiality.

Notwithstanding these challenges, in a conflict-afflicted and highly polarized society, the inclusion of human rights in the political process and the promotion of core elements of civil, cultural, economic, political and social rights are key to achieving sustainable peace. Existing military and political strategies must therefore be accompanied by increased engagement in the area of human rights.

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Background

The year under review witnessed significant political developments in the Sudan, the most notable of which was the peaceful referendum in January 2011 that led to the independence of the Republic of South Sudan on 9 July 2011.

In 2005, Security Council resolution 1590 mandated the Human Rights Section of the United Nations Mission in Sudan (UNMIS) to assist in the implementation of the Comprehensive Peace Agreement (CPA) which ended more than 20 years of conflict between the Government of the Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A). The mandate of UNMIS covered north and southern Sudan and expired in July 2011 with the conclusion of the CPA’s interim period.

The Sudan continues to face numerous human rights challenges. While some progress has been made in legislative and institutional reforms, overall democratic transformation remained precarious. Parts of the legal framework, such as the National Security Act and the Criminal Act, infringe on fundamental rights and freedoms. The harmonization of national laws with international human rights principles, as envisaged by the CPA, has advanced at a slow pace. Restrictions on civil and political rights and the curtailment of the freedoms of expression and the press persisted. Increasing demands for reforms by political opposition groups, civil society organizations (CSOs) and students have been met with arrests and detention by the security forces. Human rights defenders continue to face difficulties and impunity for human rights violations remains a recurring problem.

Following the independence of South Sudan, the Security Council established the United Nations Mission in South Sudan (UNMISS) in 2011 with a mandate to consolidate peace and security in South Sudan and help establish conditions for the development of the country. The Human Rights Division (HRD) of UNMISS has a robust mandate that includes monitoring, investigating and reporting on human rights and potential threats against the civilian population, as well as violations of international humanitarian law. In addition, the HRD undertakes capacity-building activities, in close collaboration with the South Sudan Human Rights Commission and UN agencies, funds and programmes, aimed at developing sustainable national capacity for the promotion and protection of human rights.

The Transitional Constitution of the Republic of South Sudan (TCSS) includes far-reaching provisions in its Bill of Rights which guarantee civil, political and socioeconomic rights to citizens of the Republic. Notable among these provisions is affirmative action for the participation of women in political and public life. Despite progress achieved by the Government to create a society in which respect for human rights and democratic principles is ensured, profound challenges remain. An inadequate legal framework and many outstanding international human rights instruments that have not yet been ratified makes it difficult for the State to be held accountable and contributes to a climate of impunity. The new Government of South Sudan has demonstrated a lack of tolerance for political opposition and the press by frequently restricting freedoms of expression and the press and subjecting those who hold contrary political views to harassment, arbitrary arrest and detention. The human rights situation worsened in part due to insecurity caused by the activities of rebel militia groups (RMGs) during the post-independence period. In addition, numerous inter-ethnic clashes resulted in many deaths and the abduction of a large number of women and children. Finally, the combined impact of the arrival of returnees and refugees from the Sudan, drought, and overburdened resources has deepened the humanitarian crisis.

Results

National laws, policies and institutions (EA 1)

- In the Sudan, some progress has been achieved through legal and legislative reforms, as well as institutional arrangements. Implementation of the referendum law, for instance, allowed for the exercise of the right to self-determination that paved the way for the independence of South Sudan and a number of reforms. Reform of legislation that impacts on human rights is still needed, including for the National Intelligence and Security Service (NISS) Law, the Criminal Procedure Law and the Press and Publications Law. The Human Rights Component of UNMIS provided advice and commentaries to the National Assembly.

- In South Sudan, the adoption of the TGSS opened a space for political pluralism and paved the way for democratization. The Bill of Rights under the
TCSS recognizes international human rights treaties ratified by South Sudan as national law. The UNMISS Human Rights Division provided technical support for the drafting of the TCSS and in relation to the anticipated ratification of international treaties. Most of the comments provided by the Human Rights Component on the South Sudan Nationality Act of 2011 were incorporated into the Act. The right to housing was added to the Bill of Rights during the constitutional review process. This amendment is highly welcome in the context of rapid urbanization.

In South Sudan, the Sudan People’s Liberation Army (SPLA) is undergoing a conversion from a guerrilla force into a professional and disciplined armed force designed to operate under democratic civilian control. Compliance with human rights standards improved in part as a result of human rights trainings held by the Human Rights Component of UNMISS for division commanders and military personnel.

Significant progress has also been made in strengthening the capacity of the South Sudan National Human Rights Commission. UNMISS’ Human Rights Division established a strong working relationship with the Commission as the major partner for the implementation of programming in the new country through training, technical and advisory services and joint programmes. The Commission has not yet adopted its internal complaints mechanism, rules of procedure or strategic plan; all of which were developed with the technical assistance of a consultant under an OHCHR-sponsored project.

In South Sudan, a consultative meeting organized by the Human Rights Division of UNMISS with justice-sector institutions in Northern Bahr el Ghazal to examine the issue of prolonged detention resulted in an agreement to undertake a review of detentions in the State. At the end of the exercise in October 2011, 103 detainees were released because their arrest warrants had expired, due to an absence of diligent prosecution or following a determination that they were being detained for civil matters.

In Lakes State, South Sudan, the standard operating procedure (SOP) for response to and prevention of gender-based violence was agreed to by relevant Government ministries, justice sector departments, traditional and community leaders, UN agencies, international non-governmental organizations (NGOs) and local civil society organizations. The SOP recognizes all forms of gender-based violence as criminal and obliges all stakeholders, including community leaders, to cooperate with justice sector departments to bring alleged perpetrators to justice. The UNMISS Human Rights Component participated in the advocacy that led to the adoption of the SOP.

Human rights have been identified as a cross-cutting issue under the Fifth Pillar of the Development Plan for South Sudan. In close collaboration with UNDP, UNMISS’ Human Rights Division will strengthen the capacity of the South Sudan Human Rights Commission to advocate and promote civil and political rights, as well as economic, social and cultural rights.

In South Sudan, a Human Rights Forum was established but has not yet begun to meet on a regular basis. The Human Rights Forum provides a platform for dialogue and exchange of information on human rights concerns between the Government, the United Nations and other stakeholders.

**Justice and accountability mechanisms (EA 3)**

In South Sudan, as a result of a report issued by UNMISS Human Rights, the President of the Republic ordered a high-level inquiry into allegations of human rights violations by the Southern Sudan Police Service (SSPS) at the Rajaf Police Training Centre. The report documented a pattern of serious human rights violations by senior police officers, including arbitrary detention, torture and rape of police recruits at the Centre. The Minister of the Interior has taken steps to address some of the human rights concerns raised in the report. The SSPS, however, continues to face significant challenges in becoming an effective, accountable and professional law enforcement authority that operates in compliance with human rights standards. The Division provided trainings and manuals for trainers to equip police educators with capacity-building tools.

**Participation (EA 5)**

More awareness of human rights in both the Sudan and South Sudan has resulted from sensitization at the State level, establishment of human rights clubs in schools, State-level human rights forums, the South Sudan Human Rights Forum, radio programmes and promotional campaigns in commemoration of international human rights days. More Sudanese and South Sudanese are asserting and demanding their rights than ever before. The Southern Sudan referendum witnessed a record number of Southern Sudanese exercising their right to vote (approximately 99 per cent of registered voters).

Some progress has also been noted with regard to women’s rights and gender empowerment in South Sudan. Women have been elected to national and State assemblies, while women
exerted their civil and political rights by voting in significant numbers in the referendum. The UNMISS Human Rights Division observed an increase in the number of sexual and gender-based violence cases reported to the SSPS.

State engagement with human rights mechanisms (EA 6)

- In 2011, the Government of Sudan submitted its report to the Human Rights Council under the Universal Periodic Review (UPR). The support provided by the UNMIS Human Rights Division during the preparatory process was publicly acknowledged and commended by the Minister of Justice during his statement at the Human Rights Council in Geneva. More than 50 Government officials were trained by the Human Rights Component.

Civil society engagement with human rights mechanisms (EA 7)

- An exceptionally high number of civil society organizations from the Sudan submitted substantive reports to the UPR. The UNMIS Human Rights Component contributed to this result by training 450 civil society actors from over 200 organizations.
- The UNMISS Human Rights Division participates in Rule of Law Forums which were established in all 10 states and two Civil Society Forums. These events bring civil society actors together on a monthly basis to discuss issues pertaining to the rule of law, accountability and administration of justice.

Challenges and lessons learned

In the Sudan, although much progress had been made in strengthening the relationship with the Government Advisory Council on Human Rights, the Ministry of Justice and the Human Rights Committee of the National Assembly, the abrupt, mid-year cessation of UNMIS activities in the Sudan eliminated the possibility of any further collaboration. In spite of a concerted engagement that included technical and advisory services, hopes of establishing an independent human rights commission were dashed with the closure of UNMIS.

In South Sudan, the political climate was tense between the ruling and dominant SPLM and opposition parties and during the politically motivated armed conflict between SPLA and breakaway factions. Inter-ethnic conflicts contributed to large-scale loss of life, massive internal displacement and the proliferation of arms. The country still lacks the institutional capacity to promote and protect human rights and impunity remains rampant. One of the chief lessons of 2011 was recognition of the need for the Human Rights Division to continue to work assiduously with the Government, the national human rights institution, civil society and international partners to foster a culture of promotion and protection of human rights.

In spite of numerous challenges and a year of political transition in 2011, the Human Rights Components of UNMIS and UNMISS completed 87 per cent of all projected activities.
Human Rights Advisers to UN Country Teams

Chad

Year established 2011
Staff as of 31 December 2011 1

Background

Despite signs of improvement, the security, humanitarian and political situation in Chad requires sustained attention. Approximately 262,000 Sudanese and 68,000 Central African Republic (CAR) refugees as well as 170,000 internally displaced persons are in need of humanitarian assistance. Legislative elections took place in February 2011 and the President’s party won by a large majority. The main opposition parties criticized the process and decided not to participate in the presidential elections in April 2011. As a result, the incumbent was re-elected with 88 per cent of the votes.

State institutions have limited capacities to address the needs of the Chadian population. The Government established a Ministry of Justice which lacks sufficient resources to effectively carry out its mandate. The National Human Rights Commission (NHRC) of Chad is neither operational nor compliant with the Paris Principles. In order to fight pervasive impunity for past human rights violations, efforts to harmonize national legislation and policies with the international human rights conventions must be strengthened.

Following the closure of MINURCAT in December 2010, OHCHR appointed a Human Rights Adviser (HRA) to Chad in 2011 to advise the United Nations Country Team (UNCT) on providing human rights support to the Government, national institutions and civil society. The HRA focused on mainstreaming human rights into the United Nations Development Assistance Framework (UNDAF) 2012-2015. The HRA also addressed protection gaps in the Protection Cluster; provided technical advice to encourage compliance of the NHRC with the Paris Principles; and helped review the national human rights plan of action to include recommendations issued by the Universal Periodic Review (UPR), treaty bodies and special procedures.

Results

National laws, policies and institutions (EA 1)

The HRA advocated with the Ministry of Human Rights for the establishment of a standing body on the implementation of human rights instruments. On 12 December 2011, the Prime Minister published a decree establishing a Governmental Committee on the implementation of international human rights instruments. Its mandate is to follow up on the implementation of human rights instruments and draft national reports to comply with Chad’s reporting obligations to the international human rights treaty bodies and the African Union. The Committee is also responsible for disseminating these reports and formulating recommendations to harmonize national legislation with international human rights instruments. Even though the establishment of the Governmental Committee was not a direct result of the HRA’s advocacy, his intervention was instrumental in its operationalization.

Civil society engagement with human rights mechanisms (EA 7)

The HRA worked intensely to ensure that civil society was actively involved in the reporting processes of the UN human rights mechanisms, including the UPR and the human rights treaty bodies. In particular, civil society organizations participated during the presentation of the State

**Human rights mainstreaming within the United Nations (EA 11)**

- Human rights gaps in the UNDAF 2012–2015 were filled and the recommendations of UPR, treaty bodies and special procedures, as well as international human rights standards, were reflected. The HRA was actively involved in the UNDAF process led by UNAIDS and developed a checklist on the human rights-based approach to the UNDAF.

- In addition, the HRA worked in coordination with UNDP to draft a joint project on justice, gender and human rights. As a result of inputs provided by the HRA, human rights issues relating to the fight against impunity and gender-based violence were successfully integrated into the Chad submission to the Peacebuilding Fund.

### Challenges and lessons learned

Although the human rights situation in Chad continues to require sustained attention, people in Ndjameña, as well as in other parts of Chad, have shown commitment to the promotion and protection of human rights. This commitment to human rights could be an opportunity for increased partnership.

### Great Lakes Region (Bujumbura, Burundi)

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**Background**

The Great Lakes Region continues to suffer from a complex and interconnected set of challenges. These include weak governance and democracy, monopolization of political power by individuals or ethnic groups, widespread corruption and deepening poverty. Many of these problems are regional in nature and have contributed to a spread of localized conflicts beyond national borders that negatively impact on the realization of human rights.

In addition, some of the main human rights challenges faced by the countries in the region include sexual violence, the inadequate protection of internally displaced persons (IDPs) and returning populations, the illegal exploitation of natural resources, widespread poverty and social inequality, pervasive impunity, the absence of transitional justice mechanisms and weak institutional and human capacity in the administration of justice and public service provision. These human rights challenges are addressed by the Security, Stability and Development Pact of the International Conference on the Great Lakes Region (ICGLR).

The Regional Human Rights Adviser (HRA) works with the ICGLR Secretariat, OHCHR field presences in the region and the United Nations Country Team (UNCT) to strengthen the integration of human rights into UNCT programmes, especially the rights of IDPs and returning populations, combat sexual violence, prevent genocide, promote economic, social and cultural rights (ESCR), address the exploitation of natural resources and fight against impunity. Furthermore, the HRA seeks to strengthen national systems for the promotion and protection of human rights, especially during the pre- and post-election process; and supports the implementation of the human rights dimension of the Security, Stability and Development Pact of the Great Lakes Region and the programme of the ICGLR.

### Results

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

- ICGLR observer teams participated in monitoring human rights in the context of elections in the Central African Republic and the Democratic Republic of Congo. These missions benefited from training by OHCHR prior to the elections and from information on the human rights situation before, during and after the election as provided by the OHCHR field offices and briefings of the HRA.

- National committees on the prevention of genocide were established in Congo, Kenya and Tanzania and include key human rights actors such as national human rights institutions (NHRIs), justice ministries, and national human rights non-governmental organizations (NGOs) and networks. OHCHR provided technical assistance in setting up these committees.

- The Burundi draft law on sexual and gender-based violence (SGBV) was presented to the Ministry of Gender by the ICGLR National Coordinator. It is compliant with the ICGLR Regional Protocol and includes specific provisions on harmful cultural practices. OHCHR provided funding and technical advice for the domestication of the Protocol on SGBV. As of the end of 2011, the draft law was still pending before Parliament.

- In the Central African Republic (CAR), a draft law on IDPs and sexual violence will be presented to an upcoming session of Parliament. OHCHR
provided funding and technical advice in the drafting of this law.

- In Congo, the first law on the rights of indigenous peoples was adopted in January 2011, following a process initiated by the HRA in 2006, in cooperation with the Ministry of Justice, the ICGLR human rights network and indigenous peoples’ organizations.
- Two workshops organized by OHCHR field presences, UNCTs and ICGLR staff on SGBV in Burundi and CAR and for the national consultations in preparation for the ICGLR Summit in CAR and Congo, respectively, helped Member States to incorporate and use regional and international human rights instruments and concepts in the elaboration of new policies and laws.

**Participation (EA 5)**

- National consultations on SGBV in the Central African Republic and Congo were organized by the national women fora and the Experts and Ministers meeting in preparation of the Special Session of the ICGLR Heads of States on SGBV. This enabled successful fundraising with donors and the full participation of civil society in the process. The Special Session focused on prevention, the fight against impunity and assistance to victims. OHCHR provided technical support in the organization of these consultations.
- In September 2011, ICGLR, the German International Cooperation (GIZ) and OHCHR jointly organized a workshop on the exploitation of natural resources and human rights in Goma, which was attended by national and regional networks of civil society actors and journalists. The latter play an important role in denouncing illegal exploitation and trade of minerals and related human rights abuses, including child labour, forced labour and sexual violence. The training workshop constituted a first step towards the establishment of an early warning system and the creation of a subregional network on human rights and natural resources.

**State engagement with human rights mechanisms (EA 6)**

- A regional workshop on the Universal Periodic Review (UPR) was organized with the UNCT and the OHCHR Human Rights Adviser in Rwanda which helped Government officials and civil society to share best practices on UPR follow-up. The workshop facilitated the understanding of stakeholders on how the UPR can be used as a practical and tangible tool by Governments and other actors in the subregion to assess and analyse the human rights situation in their countries and facilitate greater engagement of Governments with international human rights mechanisms.

**International and regional laws and institutions (EA 8)**

- The ICGLR’s Regional Committee on the Prevention of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination adopted its workplan which includes policies and measures to guarantee the rights of victims of genocide, war crimes and crimes against humanity; and the rights to truth, justice and compensation, including gender-sensitive measures. OHCHR assisted the Committee by providing technical and financial support to its annual meetings; mobilized additional partners to attend and support the meetings, such as the Organisation Internationale de la Francophonie (OIF) and the Special Adviser on the Prevention of Genocide; and provided information on the human rights situations in the countries of the region. This information enabled the Committee to discuss situations which needed attention and provide relevant recommendations to Member States.

**Human rights mainstreaming within the United Nations (EA 11)**

- OHCHR assisted the UNCTs in elaborating a subregional strategy on human rights. Participating UNCTs from Burundi, CAR, the Democratic Republic of the Congo (DRC) and Rwanda developed their capacities to integrate human rights in their analyses, plans and programmes, together with the National Coordination Mechanisms of ICGLR in Burundi, DRC and Rwanda.

**Challenges and lessons learned**

OHCHR provided technical and financial support to the ICGLR in setting up its Regional Committee on the Prevention of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination. The Committee is the world’s first subregional body created specifically to prevent and punish mass atrocity crimes, a significant step in fighting impunity in this region.

OHCHR provided technical support for the establishment of a regional early warning mechanism through the creation of national and regional networks of civil society actors and journalists to strengthen the human rights dimension of the ICGLR Regional Initiative. The mechanism will be used to focus on the fight against the illegal exploitation of natural resources in the Great Lakes Region and related human rights abuses, including child labour, forced labour and sexual violence, especially in Burundi, DRC and Rwanda.
Kenya

Year established 2008
Staff as of 31 December 2011 2

Background

One of the priorities for the Human Rights Adviser (HRA) in Kenya during 2011 was to support the implementation of the new Constitution that was enacted on 27 August 2010. The Constitution contains an extensive Bill of Rights encompassing a wide range of civil and political rights, as well as enforceable economic, social and cultural rights. With the adoption of the new Constitution, it was necessary to build the capacity of civil society organizations (CSOs) to work on economic, social and cultural rights as most have traditionally focused on civil and political rights.

The new Constitution provides a solid framework for the realization of the rule of law in the country and various reforms were undertaken in the justice system, specifically in the judiciary. High-level appointments were made following a transparent vetting process that involved civil society. Reforms also included the creation of a Witness Protection Agency. In 2011, electoral reforms were undertaken in preparation for the general elections that are scheduled for 2013. As a result, electoral districts in the country will increase from 210 to 290.

In spite of these positive developments, Kenya continues to face significant human rights challenges, particularly in relation to impunity. No domestic measures have been adopted to ensure accountability for human rights violations and Kenya has yet to establish a national tribunal to investigate allegations of human rights violations committed during the post-election violence of 2007-2008. Meanwhile, the International Criminal Court held confirmation hearings against six suspects and ruled that four senior Kenyan officials will stand trial for the post-election violence.

Within the Resident Coordinator’s Office, the HRA continued to work with the Government, especially the Ministry of Justice, National Cohesion and Constitutional Affairs (MOJNCA) and the Office of The Prime Minister (OPM), to assist with the implementation of recommendations emanating from the Universal Periodic Review (UPR) mechanism and the international human rights treaty bodies. The HRA also worked with key stakeholders such as the Kenya National Human Rights Commission (KNHRC).

Results

National laws, policies and institutions (EA 1)

In June 2011, Parliament approved the nominees for Chief Justice, Deputy Chief Justice and Director of Public Prosecution after a transparent vetting process that involved civil society organizations. Other positive developments include the creation of the Witness Protection Agency and the inauguration of its Advisory Board. The agency has the potential of contributing to ending impunity by aiding investigations and prosecutions and protecting the witnesses and evidence of alleged crimes. OHCHR advised on the legal and institutional framework for these mechanisms. Specifically, the HRA facilitated a retreat which brought together academia, the judiciary, representatives of the legislature, civil society, Government institutions and development partners to reflect on a strategy for bridging the impunity gap in Kenya. The creation of the Witness Protection Agency to ensure the protection of witnesses of the 2007-2008 post-election violence was a key recommendation from the retreat.

The National Council on the Administration of Justice was established as a mechanism to ensure a coordinated approach to the administration of justice and achieve the independence and accountability of the judiciary. The HRA held a meeting with the Ministry of Justice, National Cohesion and Constitutional Affairs and the Commission overseeing the implementation of the Constitution to discuss the human rights aspects of such a mechanism. OHCHR’s comments and suggestions were reflected in the draft bill which was adopted by Parliament.

Justice and accountability mechanisms (EA 3)

The HRA advised on international standards in the development of legal and institutional standards for the Truth, Justice and Reconciliation Commission (TJRC). In 2011, the TJRC held thematic hearings on violations against women, children, disabled persons and marginalized communities. The TJRC was established in 2008.
with a mandate to investigate and establish an accurate record of gross human rights violations that occurred in the country between 2 December 1963 (when the country gained independence) and 28 February 2008 (which marked the end of Kenya’s post-election violence). Through a system of human rights focal points, the HRA supported and monitored the work of the TJRC. The HRA offered both financial and substantive support to the TJRC, for example, in the area of data collection.

### Participation (EA 5)

- As the lead UN agency on transitional justice, OHCHR continued to coordinate the UNCT’s support to the TJRC process. Increasingly, national actors are meaningfully engaged on issues of transitional justice, partly as a result of the development and dissemination of human rights tools by the HRA in Kenya.
- Since the establishment of the TJRC, victims of the 2008 human rights violations have come forward to accuse the police and/or judiciary of failing to prosecute their cases. In 2011, the HRA worked closely with the victims’ assistance network, in particular the Civil Society Network (CSO-Network), based in Kisumu, and the Independent Medical Legal Unit (IMLU), based in Nairobi. In particular, the HRA contributed to discussions on mechanisms of redress and supported the participation of the CSO-Network in the victims’ forums. As a result, the CSO-Network was able to bring witnesses to testify during the TJRC hearings in Kisumu. During the hearings, victims of the post-election violence raised concerns over their exclusion by the Government in resettlement plans.
- The HRA also collaborated with the Legal Resources Foundation Trust (LRF) to consider ways that the Community Justice System (CJS) could play a role in addressing the post-election violence and historical injustices.

### State engagement with human rights mechanisms (EA 6)

- The initial State Party report to the Committee on the Rights of Persons with Disabilities was drafted under the leadership of the Ministry of Gender, Children and Social Development, with the participation of key stakeholders from Government and civil society, and was finalized in September 2011. OHCHR organized the training during which the different stakeholders were brought together for the drafting process. This collaboration increased the understanding by Kenyan institutions of human rights obligations in the area of disabilities.

### Human rights mainstreaming within the United Nations (EA 11)

- Human rights standards and principles were integrated in the work of the UNCT, as well as in policies and programmes of the respective UN agencies. The HRA achieved this by working closely with the Resident Coordinator, participating in monthly UNCT meetings with a standing agenda item on human rights and by keeping members of the UNCT abreast of human rights developments in the country. In addition, the HRA established human rights focal points within the UNCT. The focal points were trained on the principles and techniques related to international human rights standards and the

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**John Ndiku, Humanitarian Affairs Officer, OCHA Kenya**

“The HRBA training has been quite useful in equipping me with the human rights lenses for analyses of humanitarian needs and issues, drafting advocacy messages, holistic humanitarian reporting and programming in Kenya. The training was timely in my new assignments (…) and has been useful in applying the approach to review funding proposals from partners and provide technical support to partners during project formulation and subsequent monitoring, evaluation and reporting. Follow-up evaluation for partners is required to see how they are applying the skills in their day-to-day work.”

**Noela Barasa - Counter Trafficking, Awareness Raising and Legal Assistant, IOM-MRF Nairobi**

“The human rights focal point system has assisted the International Organization for Migration to continually remain appraised of the human rights situation in the country and facilitated cooperation and coordination in contributing to important national human rights processes, specifically related to transitional justice mechanisms pursuant to the 2007 post-election violence. Agencies and organizations must monitor the progressive realization of human rights in their areas of focus and continue to educate citizenry on their rights as a means of capacitating them to demand these rights.”

**Ekitela Lokaale, Programme Officer, Amkeni Wa Kenya, UNDP Kenya**

“I have had the opportunity to be a co-trainer in one of the HRBA trainings organized by OHCHR for staff of UN agencies in Mombasa in October 2010. The sessions were interactive in nature. More importantly, the practical approach that the training took, with examples ranging from the national budget to healthcare in some villages, gave a new sense and meaning to the application of the human rights principles and standards that I had learned and taught to others for almost a decade. At the end of the five-day training, I came back with the determination to let my colleagues back in the office get the experience of the HRBA training.”
human rights-based approach (HRBA), which enabled them to transfer their acquired knowledge to their own organizations. The Human Rights Focal Points participated in the monthly meetings of the human rights network and United Nations Development Assistance Framework review processes, thereby enhancing human rights mainstreaming. The focal points also ensured their own organization’s active participation and support for the UN’s human rights activities and programmes.

**Challenges and lessons learned**

Pulling together resources on the administrative front and relying on partners have proved important in light of the limited funds available to the Human Rights Adviser. For example, the mission of the Special Rapporteur on the human rights of internally displaced persons was made possible in Nairobi and the Rift Valley province as a result of effective collaboration between OHCHR, UNHCR and OCHA.

The establishment by the HRA of a human rights focal point network, composed of representatives from UN agencies, has proven instrumental in ensuring the engagement of UN agencies on human rights issues.

**Madagascar**

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**Background**

The political crisis brought on by a coup d’état in 2009 came to an end with the adoption of a road map (*Feuille de route*) by the main parties in September 2011 and the appointment of a new Government with broad political representation. The Government has been tasked with the creation of State institutions to manage free and fair elections in 2012 in accordance with human rights standards. The road map also provides for a transitional justice mechanism to address past human rights violations and promote a national reconciliatory process.

In spite of this positive development, human rights violations continue to be committed by the Malagasy security forces. Cases of arbitrary arrests and detention, prolonged detention without trial, as well as unlawful killings, excessive use of force, torture and other forms of ill-treatment have been reported. There have also been allegations of child exploitation and prostitution related to the tourism and mining industries. Throughout the political crisis that characterized Madagascar for the past few years, the enjoyment by the population of their economic and social rights was greatly undermined.

In June 2011, OHCHR deployed a Human Rights Adviser (HRA) to work with the Resident Coordinator’s Office in Antananarivo. OHCHR’s role will be critical in the new era that is unfolding in the country. The HRA has re-activated the Group on Human Rights and Elections, which includes the participation of members of the United Nations Country Team (UNCT) and representatives of the diplomatic community, as a forum for exchange and coordination to improve integration and monitoring of human rights issues during the upcoming electoral process.

**Results**

**Transitional Justice Mechanisms (EA 3)**

- The road map provides for a transitional justice mechanism to help address past human rights violations. The Transitional Assembly will adopt a law related to its establishment and OHCHR will provide technical assistance to ensure its compliance with international standards.

**State engagement with human rights mechanisms (EA 6)**

- The HRA is working with the Government on treaty body reporting and the implementation of Universal Periodic Review (UPR) recommendations. Training was carried out in August 2011 (the first since 2003) on international and regional human rights instruments and protection systems as well as treaty reporting techniques. OHCHR also provided support to the interministerial treaty reporting workshop held to finalize the periodic report on implementation of the International Covenant on Civil and Political Rights.

- In 2011, the HRA supported the development of a plan of action for the implementation of UPR recommendations. Efforts to raise awareness around the country and create a broad platform for the UPR human rights agenda are ongoing.

**Civil society engagement with human rights mechanisms (EA 7)**

- Given the limited human rights capacity in the country, the HRA carried out capacity-building programmes on human rights monitoring and reporting for civil society in December 2011. The main objective of these programmes was to increase their human rights awareness and knowledge of the international human rights instruments. Seventy-two civil society
representatives from seven regions of the island benefited from the training. According to the road map, the civil society network is expected to play a key role during the elections and in the post-conflict reconciliation period.

Human rights mainstreaming within the United Nations (EA 11)

As a result of the HRA’s advice and training on a human rights-based approach, members of the UNCT have increasingly integrated human rights into their planning. The United Nations Development Assistance Framework (UNDAF) also includes key human rights principles. The UPR recommendations proved instrumental as a programme planning tool for UN agencies on the ground.

The HRA was requested by the UNCT to assess the human rights compliance of the mining company Rio Tinto/QMM before the UN engaged in any cooperation with the company to improve access by locals to basic social services, including water, housing, health and education. The report of the HRA provided suggestions for the company to improve its consultation procedures with the local communities and authorities. As a result, the UNCT agreed on a number of projects it would undertake with the mining company. It also emphasized that the engagement of the UN agencies and programmes will be continuously monitored through a human rights lens and that the UN will not participate in any programmes or projects that violate the rights and environment of the local communities.

Challenges and lessons learned

The absence of dialogue on critical human rights issues during the peak of the crisis was seen by the UNCT and the donor community as a serious gap in addressing human rights violations. Upon the initial deployment of the HRA, the Malagasy authorities were reluctant to engage in dialogue. This situation eased, however, following the launch of technical activities and the decision by the UN to commence its engagement with the transitional authorities.

Six months after the establishment of its presence in Madagascar, OHCHR has been able to significantly raise the profile of human rights in the country. The strong support and backing provided by the Resident Coordinator, the UNCT and the Organisation Internationale de la Francophonie (OIF) have played a key role in reinforcing the impact of the work of the Human Rights Adviser and constitute a good practice in effective collaboration and the mainstreaming of human rights.

Niger

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Background

Following the overthrow of the former President by the army in February 2010, a new Constitution was adopted in October 2010 and a new President was elected in April 2011. Since then, the human rights situation in Niger has significantly improved. The democratic process, however, remains fragile and reversible due to increasing insecurity in the north following the return of Nigerians from Libya. In addition, Niger’s precarious economic situation, compounded by the country’s vulnerability to natural disasters, is becoming a major source of conflict and violence among herders and farmers in certain regions. Poverty has worsened due to competition for dwindling natural resources, the food crisis, flooding and limited availability of basic services. Despite efforts undertaken by the authorities in the area of good governance, corruption remains a significant obstacle to the achievement of the Millennium Development Goals. The Government’s attempt to initiate judicial processes in relation to allegations of corruption was delayed by the fire set at the Ministry of Justice. Other human rights challenges include discrimination against women, the violation of children’s rights and contemporary forms of slavery.

In 2011, the Human Rights Advisor (HRA), deployed by OHCHR to the United Nations Country Team (UNCT), continued to provide support to authorities and civil society in the field of human rights. Inspired by the good results of the first three years in office, the HRA focused on: the establishment of a National Human Rights Commission; follow-up to Universal Periodic Review (UPR) recommendations; reporting to the international human rights treaty bodies; mainstreaming human rights in the work of the UNCT; and strengthening the capacity of Niger’s authorities and civil society to protect human rights.

Results

National laws, policies and institutions (EA 1)

A plan for the creation of the independent National Human Rights Commission (NHRC) was developed and implemented following a participatory process involving the Government, civil society organizations (CSOs), unions, the media, the National Observatory for Human Rights and Fundamental Freedoms and the
UNCT. The process resulted in the drafting and validation of a draft law on the creation of a national human rights institution (NHRI) in conformity with the Paris Principles. The proposed law was validated at a workshop in October 2011 and is being transmitted by the Government to the National Assembly for adoption. The rights of women, children and vulnerable groups were taken into account in defining the mandate and composition of the future NHRC. The support provided by the HRA proved to be of critical value in mobilizing resources, advising on the Paris Principles and the sharing of good practices.

A total of 410 people, including 102 women, were trained in human rights and gender in various seminars and workshops organized throughout the year. Following these activities, civil society actors and the authorities were able to integrate human rights principles and a gender-based approach into their activities and policies.

State engagement with human rights mechanisms (EA 6)

The Government drafted and validated the core common document and its periodic report to the Committee on the Elimination of Racial Discrimination. The draft report to the Human Rights Committee is in the process of being finalized thanks to the technical assistance provided by the HRA to the Interdepartmental Committee in charge of drafting reports to the treaty bodies.

Niger successfully presented its UPR report to the Working Group and the Human Rights Council in 2011. The HRA supported the preparation process by organizing training for relevant stakeholders who were involved in the process. A total of 116 recommendations were formulated for Niger, of which 112 were accepted and 6 were rejected. UN agencies have begun discussing how they can support the implementation of these recommendations.

Challenges and lessons learned

In the framework of the inter-agency programme of support for human rights in Niger, certain constraints have been identified, including the difficulties in covering the national territory, delays in the execution of activities and insufficient personnel at the Directorate for Human Rights. The timely review and adoption by the Government and the National Assembly of legislation to establish the National Human Rights Commission is another challenge.

Collaboration between the different United Nations agencies made it possible to mobilize additional resources which strengthened OHCHR’s human rights programme in Niger. The effective collaboration between UN agencies also allowed for the sharing of relevant experiences. As a result, the Group on Gender and Human Rights is now better prepared to support human rights programmes in Niger and there is more collaboration between the Government, civil society and national institutions than in the past.

The systematic encouragement by the HRA of a participatory approach, notably in the UPR preparatory process and the process of creating a National Human Rights Commission, made it possible to successfully achieve results and improve national ownership and responsibility for human rights.
Rwanda

<table>
<thead>
<tr>
<th>Year established</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>1</td>
</tr>
</tbody>
</table>

Background

In 2011, the Government of Rwanda made significant progress in complying with its obligations to report on implementation of the international human rights treaties it has ratified. It submitted periodic reports to the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Rights of the Child. It also commenced the drafting process for initial reports under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the Convention on the Rights of Persons with Disabilities (CRPD). The Government of Rwanda further initiated consultations with a view to ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

In January 2011, Rwanda was reviewed under the Universal Periodic Review (UPR). During the process, a number of human rights challenges were highlighted, including restrictions to freedoms of expression and association and impunity for the harassment of journalists. The Government was urged to accelerate the process of legal reform and ensure that all discriminatory legislative provisions, especially those regarding women, were abrogated. Out of the 73 UPR recommendations, the Government of Rwanda accepted 67 and elaborated a road map for their implementation, together with development partners and members of civil society. A number of recommendations from the road map are already being implemented, such as the media review of the genocide ideology. The draft law on the registration of political parties is under review by the Rwanda Governance Board (RGB). The Law governing international non-governmental organizations (NGOs) is under review by the Senate and the Government has replaced the annual registration with one that is valid for five renewable years. National NGOs that requested and obtained permanent legal status would no longer need to renew their registration.

The Human Rights Adviser (HRA) in Rwanda continued to provide advice to the UN Resident Coordinator and the United Nations Country Team (UNCT) on strategies to strengthen and build national human rights capacities. In 2011, the HRA worked closely with the National Human Rights Commission on projects aimed at promoting and protecting human rights in the country. In addition, the HRA consolidated his relationship with relevant Government agencies charged with the promotion and protection of human rights and reached out to civil society in an attempt to create a broad-based platform to address critical human rights challenges in the country.
Results

National laws, policies and institutions (EA 1)

- The HRA provided advice to the authorities on several draft laws under review, including the genocide ideology law, the media law and the access to information bill, with a view to ensuring their compliance with international standards.

State engagement with human rights mechanisms (EA 6)

- The Government submitted its combined 13th to 17th periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), overdue since 2002, the initial State Party report under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the combined third and fourth State Party reports under the Convention on the Rights of the Child (CRC), overdue since 2009. The HRA provided technical assistance, including good practices from other countries, to the Interministerial Task Force charged with following up on Rwanda’s treaty body obligations and eliminating the backlog of reports. Preparation for the initial report under the ICRMW has also begun, as has the preparation of Rwanda’s initial report under the CRPD, overdue since January 2011.
- Following Rwanda’s review under the UPR in January 2011, the Treaty Body Reporting Interministerial Taskforce elaborated a road map on implementing the recommendations. OHCHR, in collaboration with the National Human Rights Commission, conducted human rights awareness campaigns with specific reference to the UPR recommendations on radio and TV. Cooperating with an international NGO, a dialogue on the UPR was organized for Rwandan civil society and development partners.

Human rights mainstreaming within the United Nations (EA 11)

- Human rights principles were mainstreamed in the revision of the ONE UN work programmes. OHCHR provided technical support to ensure the prioritization of human rights. The Office also coordinated and expanded the joint Human Rights Task Force of the UNCT, in collaboration with the Gender Task Force.

Challenges and lessons learned

The most critical factors which affected the programme in 2011 resulted from the departure of the President, which impacted on collaboration with the institution and the institutional weaknesses of national stakeholders working on human rights issues in Rwanda.

The HRA will now focus on how to best assist Rwanda in implementing the recommendations of the UPR. Adequate backing and support from the Resident Coordinator and the UNCT is key to the implementation of the HRA’s mandate and workplan.
During 2011, OHCHR maintained its 10 field presences in the Americas region: two regional offices (Panama City and Santiago de Chile); four country offices (Bolivia, Colombia, Guatemala, and Mexico); three human rights advisers (Ecuador, Honduras, and Paraguay); and one human rights component in a peace mission (Haiti), where OHCHR continued its leadership of the Protection Cluster in the context of the humanitarian response. As the presence of the Human Rights Adviser in Nicaragua was discontinued at the end of 2010, OHCHR covered human rights issues in the country from its regional office in Panama with the support of its country office in Guatemala.

<table>
<thead>
<tr>
<th>Type of presence</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>Country offices</td>
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</tr>
<tr>
<td></td>
<td>- Colombia</td>
</tr>
<tr>
<td></td>
<td>- Guatemala</td>
</tr>
<tr>
<td></td>
<td>- Mexico</td>
</tr>
<tr>
<td>Regional offices</td>
<td>- Central America (Panama City, Panama)</td>
</tr>
<tr>
<td></td>
<td>- South America (Santiago de Chile, Chile)</td>
</tr>
<tr>
<td>Human rights component in UN peace missions</td>
<td>- Haiti</td>
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<tr>
<td>Human rights advisers in UN Country Teams</td>
<td>- Ecuador</td>
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<tr>
<td></td>
<td>- Honduras</td>
</tr>
<tr>
<td></td>
<td>- Paraguay</td>
</tr>
</tbody>
</table>
of the United Nations Country Team (UNCT), which maintained a Human Rights Officer for most of the year. The Americas Section provided substantial and administrative support to all the field presences and supported the work of the Independent Expert on the situation of human rights in Haiti.

OHCHR's work in the Americas continued within a background of overall stable democracies and solid legal frameworks for the protection of human rights and in which the human rights community continued to play a critical role in the consolidation of national and regional protection systems. In this context, OHCHR's support was sought by both States and civil society. Nevertheless, growing levels of insecurity and violence, including against women, together with prevailing deficiencies in the justice administration system and widespread impunity, posed increasing threats to democratic and human rights gains and political stability. Exclusion continued to disproportionally affect Afro-descendant populations and indigenous peoples.

In economic terms, the impact of the global economic and financial crises were less prevalent in the Latin American region as poverty and inequality have been reduced in many countries, primarily due to a sustained commitment to the implementation of social policies that privilege social investment. OHCHR will continue to work supporting data collection and the use of indicators to promote and monitor equality and non-discrimination in the region in the context of pursuing economic, social and cultural rights, and combating discrimination and poverty.

Impunity and strengthening the rule of law remained priorities for OHCHR in the Americas, with a particular focus on transitional justice and freedom of expression. Work on protection mechanisms for journalists and human rights defenders was a major focus of attention. While important steps have been taken in many countries to advance transitional justice, especially in the Southern Cone, judiciaries and law enforcement agencies throughout much of the region are in need of strengthening. Most of the work programmes of the field presences, supported by headquarters, therefore include a substantive component in supporting efforts to strengthen justice and the rule of law with an emphasis on transitional justice, impunity and the effective functioning of the justice system.

The response by States to the challenges posed by violence and insecurity has often been at odds with human rights principles. OHCHR has advocated for strengthening the ability of States to protect their populations and the adoption of human rights-based laws and policies to prevent the further erosion and violation of rights in the name of security. It has built on its previous work with regional and subregional organizations, as well as the 2009 Report on Citizen Security and Human Rights, and the 2011 Report on Juvenile Justice, produced in partnership with the Inter-American Commission on Human Rights and UNICEF. OHCHR has worked with the Central American Integration System and the Institute of Public Policies in Human Rights of the Southern Common Market (MERCOSUR) to develop human rights-based security policies. Closely linked to its work on issues related to violence and insecurity and the rule of law, OHCHR has undertaken efforts at different levels to prevent torture, improve the situation of those deprived of liberty and promote penitentiary reform.

OHCHR has based its work on the promotion of a wider use of UN human rights mechanisms in Latin America, where there is a high rate of ratification of international human rights treaties, and on encouraging engagement with human rights mechanisms in the Caribbean and the United States, where ratification rates are lower and few national human rights institutions operate in compliance with the Paris Principles.

1 “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” (OEA/Ser.L/VII. Doc.57, 2009, p. 7).
Country Offices

Bolivia

<table>
<thead>
<tr>
<th>Year established</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>23</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$1,334,547</td>
</tr>
</tbody>
</table>

Background

The country continued to advance through the transition process towards the implementation of the reforms envisaged by the 2009 Constitution. In this context, noteworthy progress was registered regarding policies and measures to eliminate racism and all forms of discrimination, including the creation of a plural and participative National Committee against Racism and All Forms of Discrimination and adoption of an action plan to fight those phenomena. The social programmes, together with other factors such as the country’s economic growth, helped to reduce poverty, extreme poverty, maternal mortality rates and the number of school dropouts. These initiatives, however, have yet to address long-standing exclusion and discrimination affecting indigenous peoples and Afro-Bolivians, in particular women and girls in rural areas.

The existing crisis in the administration of justice worsened during 2011. The new judicial authorities, elected for the first time by popular vote on 16 October, face the challenge of implementing profound reforms designed to broaden access to justice, improve the judiciary’s efficiency, strengthen its independence, reduce impunity and combat corruption among justice officials. Also noteworthy is the altered composition of the Judicial Body and the Plurinational Constitutional Tribunal, which now include, as a result of those elections, an intercultural and gender balance.

The realization of indigenous peoples’ rights did not advance as expected particularly in relation to their right to consultation on projects or administrative and legislative measures that could affect them. Levels of violence against women continue to raise concern.

Within this framework, OHCHR-Bolivia continued to provide technical assistance and support to State authorities and civil society organizations aiming at contributing to the full implementation of the wide range of human rights guaranteed in the 2009 Constitution. The Office has built strong relationships with different actors in the justice sector, allowing it to enhance its assistance and advocacy with the judiciary, the General Attorney’s Office and the police on policies and measures addressing racism and discrimination, violence against women, as well as economic and social rights.

Results

National laws, policies and institutions (EA 1)

- The National Committee against Racism and All Forms of Discrimination was created with the support of OHCHR. Sixty-one institutions are members of the Committee, which is composed of State institutions at national, departmental and local levels, indigenous and Afro-Bolivian organizations, civil society organizations and others representing vulnerable sectors of the population, such as women, youth, children and adolescents, lesbian, gay, bisexual and transgender (LGBT) people and persons with disabilities. The Ombudsman and OHCHR-Bolivia participate as observers. The Committee held three sessions during which, amongst other things, it supervised the elaboration of its internal regulations and reviewed an assessment of the situation of racism and discrimination in the country, as well as its related plan of action against racism. With the support of OHCHR, the Committee also oversaw the establishment of a registry and monitoring system for complaints within the Vice-Ministry of Decolonization, which has received more than 139 complaints to date. Likewise, two departmental committees against racism and all forms of discrimination were created.

- In December 2011, the National Committee against Racism and All Forms of Discrimination adopted the plan of action against racism and all forms of discrimination in compliance with the Durban process and Bolivia’s Law No. 045. This plan draws from a participative assessment on the
current situation of racism and discrimination that was initiated in 2010 and concluded in 2011. The Office provided technical and financial support to the Vice-Ministry of Decolonization for the elaboration of both the assessment and the plan.

- Following a request by the General Attorney, OHCHR-Bolivia submitted comments and recommendations concerning a bill presented by the General Attorney related to reform of the regulation and functioning of the General Attorney’s Office. This bill was one of the inputs and proposals taken into consideration during the reform process of the Law of the General Attorney. As a result, another bill is now being discussed in the Plurinational Legislative Assembly.

- In coordination with OHCHR-Bolivia, the Vice Ministry of Equal Opportunities organized a three-day event on violence against women and femicide which was attended by approximately 100 participants from civil society and the public sector. The event focused on the submission to the Legislative Plurinational Assembly of a bill on violence against women and a proposal to typify the crime of femicide in the Penal Code, which will be discussed in early 2012.

- The National Council for Afro-Bolivian People (CONAFRO) was established in September 2011 and soon after became a member of the National Committee against Racism and All Forms of Discrimination and the National Human Rights Council. OHCHR-Bolivia contributed to this result through the organization of workshops and seminars and by providing financial and technical support.

- In 2010, the Plurinational Legislative Assembly adopted Law No. 025 on the Judicial Body, which modified the structure of the judiciary and provided that the body of legislation concerning the administration of justice must be amended in line with the 2009 Constitution. To this end, various technical commissions began to work in 2011 on the reform of criminal, civil, labor, and agro-environmental laws and codes, among others. In addition, the Office provided technical assistance to the Judicial Body for the implementation of Law No. 025 and will continue supporting the work of the technical legislative commissions to finalize legislative reform proposals in 2012.

- A number of cases regarding human rights violations and the fight against impunity, including, inter alia, the trials for violent racist incidents that occurred in Sucre and the massacre of El Porvenir, both in 2008, were followed up by the Office. To this end, the Office attended more than 90 hearings in different regions of the country and met with judges, public prosecutors, defence lawyers, defendants and victims. Legal opinions related to the above-mentioned cases were also prepared. In some instances, the interventions of OHCHR-Bolivia played a key role in increasing the protection of people at risk (i.e., witnesses, victims or lawyers) or mitigating tension at hearings. Despite some progress made, most trials proceeded at a slow pace amidst continuous deferrals.

**Justice and accountability mechanisms (EA 3)**

- OHCHR-Bolivia conducted 60 field missions, for a total of 183 days, in all nine departments of the country. To a certain extent, these activities contributed to strengthening the knowledge of human rights international standards among rule of law institutions and enhancing the protection of victims of human rights violations. In one powerful example, this included the monitoring of an indigenous demonstration in defence of the Indigenous Territory and Natural Reserve Isiboro Sécure (TIPNIS). This particular activity involved the presence of human rights officers for 45 out of the 60 days of demonstration.

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

- The Ministry of Education elaborated a Plurinational Action Plan on Human Rights Education in a participatory manner. A technical team was established, composed of the Ministry of Education, the Ministry of Justice, the Ombudsman and OHCHR-Bolivia. The team organized departmental consultations to elaborate a draft plan. Approximately 1,000 representatives of indigenous organizations, human rights and education non-governmental organizations (NGOs), public and private educational institutions, police, armed forces and other civil servants participated in the consultations. A first draft of the plan was publicly presented at a meeting in La Paz in December.

**Participation (EA 5)**

- OHCHR-Bolivia contributed to enhancing the visibility of the rights of indigenous peoples through monitoring activities. The Office’s monitoring and advocacy activities contributed to the taking of office of two indigenous members in the Department Legislative Assembly (DLA) of Santa Cruz who had thus far been prevented from doing so by the majority of the DLA. Both members were elected through procedures that respected their traditions.

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2 Femicide refers to an extreme form of gender-based violence; the intentional killing of women for being women.
State engagement with human rights mechanisms (EA 6)

OHCHR-Bolivia elaborated a comprehensive categorization of all the recommendations made by the international human rights mechanisms, including those resulting from the Universal Periodic Review (UPR), to facilitate the identification of priorities by the Bolivian State and civil society organizations. The Office made this tool available to the Ministry of Justice and will provide support to the Ministry in its efforts to prioritize and implement these recommendations in 2012.

Civil society engagement with human rights mechanisms (EA 7)

OHCHR-Bolivia supported the Coalition of Women (comprised of 15 women’s organizations including five NGO networks) in regional workshops held to gather information for the elaboration of an alternative report to the Committee on the Elimination of Discrimination against Women (CEDAW). The workshops were held in all nine departments of Bolivia and each one gathered close to 60 participants. The alternative report will be submitted to the CEDAW Committee after the State Party report has been submitted.

Human rights mainstreaming within the United Nations (EA 11)

The 2013-2017 United Nations Development Assistance Framework (UNDAF) incorporates a human rights- and gender-based approach and was signed with the Bolivian Government on 16 January 2012 in the presence of the President. OHCHR-Bolivia actively participated in the meetings of the United Nations Country Team (UNCT) Inter-Agency Technical Group responsible for the evaluation of the current UNDAF and the elaboration of the new one.

An inter-agency funding proposal was submitted to the UN-Indigenous Peoples’ Partnership (UNIPP) to address the right to consultation and the extreme vulnerability of indigenous peoples’ rights. The proposal has been approved by UNIPP. OHCHR-Bolivia actively participated in the UNCT’s Inter-Agency Group on Intercultural Affairs by providing technical support and advice on indigenous peoples’ rights and participating in the elaboration of the proposal.

Challenges and lessons learned

One of the main results achieved in Bolivia was in relation to the fight against racism and discrimination. The establishment of a National Committee on Racism and Discrimination, in close cooperation with the Vice-Ministry of Decolonization, paved the way for a participatory assessment that led to the elaboration and adoption of a National Action Plan against Racism and All Forms of Discrimination. The Committee on the Elimination of Racial Discrimination has recommended this action multiple times over the past 40 years. The participation of different sectors from the public administration and civil society organizations enriched the content of both the assessment and the national action plan and also legitimated the elaboration of a public policy against racism and all forms of discrimination. It further allowed for the inclusion of a plurality of State organs and civil society organizations with specific responsibilities in the National Committee. Challenges in the coming years include the implementation of a national public policy and building the capacity to increase the visibility and address the exclusion of Afro-Bolivians and other vulnerable groups.

The implementation of UPR recommendations will be a main challenge in the coming years. Drawing from the lessons learned and following the revision of the UNDAF and its elaboration for 2013-2017, the Office decided to take a more proactive role vis-à-vis the different actors that will participate in the implementation process, particularly the UNCT. To facilitate the implementation process, the Office will also work with partners to prioritize and cluster the recommendations around key themes.

Bolivia: Expenditure in 2011

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<th>Description</th>
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<th>Extrabudgetary expenditure in US$</th>
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<tbody>
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<td>Contractual services</td>
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<td>Supplies &amp; materials</td>
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<td>Seminars, grants &amp; contributions</td>
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<tr>
<td>Subtotal</td>
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<tr>
<td>Programme support costs</td>
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<tr>
<td>GRAND TOTAL</td>
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<td>1,334,547</td>
</tr>
</tbody>
</table>
The National Committee against Racism and All Forms of Discrimination was created in February 2011. Over 120 representatives from civil society, indigenous organizations, vulnerable groups and civil servants from various Ministries, departmental and municipal authorities came together to discuss and take decisions on the fight against discrimination. For the first time in the history of Bolivia, a plurinational and intercultural body, chaired by the Vice-Ministry of Decolonization, became the main decision-making and deliberation body with regard to policies and programmes against racism and all forms of discrimination. The richness of the Committee comes from its wide representation and the equal participation of its members in the analytical and decision-making processes. In 2011, amongst other activities, the Committee’s members coordinated the elaboration of an assessment on the situation of racism and discrimination and, based on the commitments undertaken by Bolivia during the Durban process, supervised the drafting of a plan of action. The Committee also mandated the Vice-Ministry of Decolonization to establish a unit to deal with complaints on racism and all forms of discrimination. The Committee’s first year culminated with the adoption of a plan of action and the initial measures needed for its implementation.

OHCHR-Bolivia was involved throughout the process and worked side by side with the members of the Committee and the Vice-Ministry of Decolonization. The Office provided technical and financial support before and during the sessions of the Committee and cooperated in the implementation of its decisions.

Colombia

Year established 1997
Staff as of 31 December 2011 76
Expenditure in 2011 US$8,987,341

Background

The year 2011 was marked by the adoption of important measures to improve the human rights situation in Colombia, although important human rights challenges must still be overcome in key areas, such as security, justice, impunity, the fight against discrimination and poverty reduction. The Government’s efforts to strengthen the legal framework included the adoption of the Victims’ and Land Restitution Law, which was signed by the President of Colombia in the presence of the Secretary-General in June. The Law placed the rights of victims at the centre of public policy and incorporated provisions for undertaking an ambitious programme of reparation and restitution for stolen lands. The Victims’ Law is the most significant piece of legislation adopted by Colombia to promote and protect the rights of victims of the armed conflict. The current challenge is to ensure that its practical implementation corresponds with the spirit of the law and will require a collective effort to which OHCHR-Colombia should make a contribution. On the other hand, land restitution processes for victims of land dispossession had the unintended effect of increasing the threats to their life and integrity.

Over the last 14 years, OHCHR-Colombia has made numerous widely recognized contributions in the field of technical cooperation and legal advice. The Office’s impartial and respected position with the Government and civil society has enabled it to facilitate and foster dialogue between them, particularly in relation to sensitive issues. The Ministry of Defence accepted and used the international oversight mechanism provided by OHCHR to monitor implementation of the Ministry’s measures designed to prevent extrajudicial executions and bring justice to identified cases. OHCHR also contributed to the implementation of the National Plan on Human Rights Education (PLANEDH). OHCHR facilitated a joint analysis of the strengths and weaknesses of national human rights institutions (NHRIs) in order to identify gaps in their protective role and strategies that will be implemented in the coming biennium. The cornerstone of the Office’s many achievements has been its capacity to monitor human rights violations and breaches of humanitarian law. These independent monitoring activities have resulted in the recognition of the positive role of the Office, both nationally and internationally, and are considered to have had an important impact on the protection of the population from human rights abuses. Since 2011, two satellite offices located in Villavicencio and Pasto strengthened the presence of the Office in the field. Monitoring activities are also conducted through four sub-offices that are located in Bogota, Bucaramanga, Cali and Medellin.

Results

National laws, policies and institutions (EA 1)

- **Target**: Significant improvement of the level of compliance of legislation and policy in compliance with international human rights standards in two areas (extrajudicial executions and intelligence).

During 2011, OHCHR continued working with the Ministry of Defence on the implementation of the 15 measures adopted in 2008 to prevent extrajudicial executions and other gross human rights violations, including through regular
monitoring of their implementation at operational level. The police authorities requested that OHCHR replicate this innovative project and methodology to strengthen their capacity to prevent human rights violations in line with its human rights policies, including through strengthening command and control in police operations and activities. The project began in June 2011 with meetings with senior authorities at the national and regional levels who demonstrated their commitment to prioritizing prevention based on OHCHR’s advice and technical assistance. OHCHR provided technical advice to different State institutions and contributed to several legislative and policy changes in the intelligence sector. For instance, new legislation on intelligence was adopted by Congress in June and included OHCHR’s suggestions on compliance with international standards. Through this Law, a new intelligence institution was created with new democratic control mechanisms in line with OHCHR’s advice.

**Target not achievable within the biennium: Public policy on previous, free and informed consultation with indigenous peoples and Afro-descendent communities implemented in compliance with international human rights standards.**

During 2011, the Office contributed to the establishment and functioning of a national technical assistance committee composed of representatives from indigenous and Afro-Colombian organizations, universities, UN organizations and the Ombudsman’s Office. Regional committees were also established in five cities. The committee played a leading role in the preparation of initial documentation, planning of field activities and the identification of methodologies for the collection of inputs. It is anticipated that the Government will consider these elements when developing legislative and public policy measures on informed prior consultation. Throughout 2011, a number of activities, including exploratory missions and field participatory processes, took place in 14 of the country’s 32 departments and included the participation of more than 700 people, representing approximately 50 indigenous and Afro-Colombian communities. As a result of the field participatory processes undertaken, it was decided that subregional documents should be elaborated to serve as guidelines for duty-bearers and rights-holders and supplement the originally planned national document that will be the main output of this project.

**Target: Significant improvement of the level of compliance of policy with international human rights standards in one policy area, i.e., human rights education.**

The Government of Colombia, through the Ministry of Education, initiated the implementation of PLANEDH in 25 municipalities. OHCHR contributed to this process by providing spaces for dialogue, developing materials for supporting staff training to include the formal inclusion of PLANEDH in schools workplans and advocating for positioning the Plan in local public agendas. In addition, the National Human Rights Conference, which is setting the ground for the development of a human rights national policy, included OHCHR’s methodological suggestions, particularly regarding
the need to develop regional preparatory forums that ensure wider participation by local civil society representatives. Thanks to OHCHR’s advocacy, this participation was evidenced in the preparation process of the National Conference. OHCHR facilitated the development of a pilot workshop to test the proposed methodologies and make relevant adjustments. As a result of this workshop, members of the Committee agreed upon a results systematization tool that was designed with the support of OHCHR.

**Target: Significant improvement in the compliance of legislation/policy with international human rights standards in relation to victims’ rights, including sexual violence against women, children in armed conflict and enforced disappearances.**

In June 2011, a law on victims’ rights and land restitution was adopted. Its final text includes a number of recommendations from OHCHR-Colombia to ensure compliance with international principles and standards. The suggestions were primarily related to the principle of non-discrimination, the integration of a human rights-based approach, protection, access to justice and a comprehensive concept of reparation measures, including land restitution. Advocacy activities included numerous meetings and written communications with Congress members, Government authorities and non-governmental organizations (NGOs), participation in public hearings of Congress, open discussions with relevant stakeholders and press releases. Following the adoption of the Law, OHCHR-Colombia contributed with an analysis of its benefits and gaps. This analysis fed into the UN’s position on the matter (included in the 2011 Human Development Report) and contributed to a better understanding of this important piece of legislation among the international community, civil society and the public-at-large.

In July 2011, OHCHR-Colombia provided comments and advice to the Ministry of Defence on a proposed modification to their guidelines to prevent and address sexual violence within the armed forces. Although the proposed changes have not yet been accepted, OHCHR-Colombia continues to advocate for the adoption and enforcement of a zero-tolerance policy on sexual violence by members of the security forces. Throughout 2011, OHCHR-Colombia continued to participate in the NGO working group established by the Constitutional Court in 2008 to follow up on judicial investigations of allegations of sexual violence submitted to the Attorney General’s Office. Partially in response to the request of NGOs, the Attorney General took positive steps to promote progress in these cases.

OHCHR-Colombia facilitated contacts and meetings between women’s NGOs and the Attorney General’s Office. On children’s rights, OHCHR-Colombia provided comments on a draft law that proposes to increase imprisonment terms for the crime of child recruitment. The draft is currently under consideration by Congress.

In 2011, the Office contributed to policy changes on enforced disappearances through, inter alia: the facilitation of a participatory mechanism to regulate the law to pay homage to victims of enforced disappearances (Law 1408); support for discussions in Congress on a draft law on issues related to enforced disappearances and declaration of absence; and contribution to the follow-up report on the Colombian situation by the UN Working Group on Enforced or Involuntary Disappearances.

**Target: Significant improvement in compliance with international human rights standards by the Attorney General’s Office in the elaboration of investigative strategies in the areas of torture, enforced disappearances and children in armed conflict.**

The new Attorney General took office in January 2011. OHCHR-Colombia immediately began to establish dialogue with the new administration to identify potential areas for cooperation.

**Target: Significant improvement in compliance with international human rights standards by the Supreme Court in relation to judicial proceedings on alleged links between paramilitary organizations and politicians.**

During 2011, there was an increase in the public and political awareness of the need to fully comply with the right to appeal in these types of proceedings. As a result, in the legislative governmental proposal to reform justice, this
issue has been included and is under consideration by Congress. Since the Supreme Court began these proceedings, OHCHR-Colombia has consistently advocated for the strengthening of due process, including, in particular, by introducing the right to appeal. OHCHR continues to advocate for the full compliance of other international standards relating to, inter alia, pre-trial detention and evidence consideration. This result has yet to be achieved.

▶ Result achieved for which no target was set:

Thanks to the monitoring activities undertaken by the Medellin field office, OHCHR was able to make visible and document cases of ill-treatment and torture committed by the police in Medellin. As a result of OHCHR’s monitoring activities and recommendations, the police implemented a sanction and accountability mechanism for Police Station Commanders to prevent ill-treatment and torture committed by their subordinates or omissions in the exercise of their duties.

▶ Result achieved for which no target was set:

OHCHR-Colombia undertook a total of 298 missions (some of which were undertaken simultaneously). This represented a total of 946 days in the field, of which 163 related to human rights follow-up and monitoring missions, representing 556 days in the field.

Participation (EA 5)

▶ Target not achievable within the biennium:

Rights-holders, particularly women and groups at risk, increasingly use existing national protection systems and monitor the recommendations of international human rights mechanisms.

During 2011, OHCHR continuously advocated for the need to incorporate international human rights standards in the implementation of effective protection measures that include a differential approach for especially vulnerable groups that are subject to the State’s protection measures. OHCHR’s statements were reflected in the adopted Decree 3575 which included the issue of differential approach in the implementation of protection measures. Similarly, the Government of Colombia adopted Decree 4065 on the creation of the National Protection Unit, which will undertake most of the different protection schemes under one institution of the Colombian State.

Challenges and lessons learned

Through a community-based participatory process, rights-holders (i.e., indigenous peoples and Afro-Colombian communities) contributed to the identification of appropriate procedures that respect
Colombia advances towards a Human Rights Education Plan

“He was walking through the hot dusty roads of Carmen de Bolívar. Many more arrived with him from Salado and Macayepo, but an absent look projecting distant and sombre memories differentiated him from the others. Those who knew him from before admired him for being a teacher, a good community leader and even a writer’s apprentice. Amidst anguish and hardships, he was just another displaced person who sought refuge from violence. He had left behind the house he had built thanks to efforts and sacrifices over many years, the place where he had buried his dead ones, the sad farewell from his students and his plans to expand the school with a garden in which hope could grow again…” said Manuel Restrepo Yusti, Colombian human rights education and pedagogy specialist.

Teachers in Colombia not only face the consequences of the internal armed conflict, they also face the consequences of a limited realization of human rights. The application of human rights in education and schools has many approaches; one of them is to guarantee that girls have access to the same educational opportunities as boys, which is only achievable if Colombia designs and implements public policies that integrate a human rights-based approach.

OHCHR Colombia has been supporting the Colombian State in developing a public policy on human rights education, through the delivery of technical assistance to the Ministry of Education, the Ombudsman’s Office and the Vice President’s Office. Following the approval of the Human Rights Education Plan (PLANEDH), these institutions created a National Council for the Human Rights Education Plan, which will function as the State institution in charge of overseeing the operational plan that will in turn facilitate the implementation of public policy. Several public officers and teachers from at least 10 departments of Colombia (Bolivar, Boyaca, Choco, Córdoba, Guaviare, Huila, Meta, Nariño, Santander and Valle) have been working towards this goal. The national human rights education plan establishes opportunities for the realization of quality education and includes non-discrimination guarantees for women, indigenous peoples, Afro-Colombians and the disabled, among other vulnerable groups. For OHCHR, human rights education is founded on three aspects: knowledge, value formation and attitude-building. These three elements are the basis for the enhancement of empowered citizens and rights-holders. The advances achieved thus far must be built upon. The National Council for the Human Rights Education Plan will have a short-term role in developing a public policy that contributes to fostering equality from early childhood and will help ensure that formal and informal education brings knowledge and human rights application to all Colombians.

the right to consultations in order to obtain their prior, informed and free consent. The Office has emphasized that expert advice should be practically reflected and inform the political and legal frameworks, bearing in mind the interests, positions and ideas of diverse peoples and communities.

OHCHR faces an important challenge in the coming years with regard to the implementation of the Victims’ Law and the protection of those seeking land restitution. OHCHR will strive to position itself in a way that allows adding value while ensuring the observance of human rights throughout the process. The Office and the United Nations Country Team (UNCT) in Colombia are committed to assisting authorities and civil society, in particular, victims and their organizations, to ensure that the rights of victims are fully realized. The Secretary-General stated that “a good law is not enough; it needs to have a real transforming effect on the ground.” Thus, the participation of victims in the implementation of legal provisions, the adequate and coordinated execution of responsibilities by competent State entities and the protection for all actors involved will be of paramount importance. The issue of land restitution is a key opportunity to build up an holistic strategy for development, which includes strengthening income-generating programmes to ensure a sustainable and dignified standard of living for victims.

<table>
<thead>
<tr>
<th>Colombia: Expenditure in 2011</th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
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<td>5,267,158</td>
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<td>Consultants</td>
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<td>Seminars, grants &amp; contributions</td>
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<tr>
<td>Programme support costs</td>
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<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>-</td>
<td><strong>8,987,341</strong></td>
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</table>
Guatemala

<table>
<thead>
<tr>
<th>Year established</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>29</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$3,319,644</td>
</tr>
</tbody>
</table>

**Background**

Notable progress was made in criminal investigations and prosecution of emblematic cases, including as a result of better coordination between the General Attorney’s Office and the Ministry of the Interior. There is, however, a pending agenda of urgent actions to address important, long-standing gaps in the enjoyment of human rights in Guatemala, such as reducing high levels of insecurity and poverty, widespread impunity, combating malnutrition and eradicating violence against women and discrimination against indigenous peoples. Violence and insecurity affect the daily lives of Guatemala’s population and generate an atmosphere of mistrust, social dissatisfaction and fear. Due to its geographic situation, as well as corruption and the absence of State institutions in some departments, Guatemala has become a base for illegal operations by regional drug cartels. In addition, some inherited patterns of violence have yet to be overcome. Necessary reforms of the justice sector to combat impunity have not been implemented. The situation of indigenous peoples epitomizes the structural patterns of racism and discrimination that persist in Guatemala. Emerging social conflicts related to the demand for certain rights, such as the right to land and territory, environmental rights and the right to participate in decisions affecting indigenous peoples, have not been dealt with by the State through effective mechanisms. Existing mechanisms do not target the root causes of these conflicts, nor do they operate with a multicultural perspective. In this context, human rights defenders are frequently subjected to attacks, intimidation, harassment and death, as a result of their work.

In September 2011, the presence of OHCHR-Guatemala was extended for its third three-year period. In compliance with its mandate, OHCHR-Guatemala intensified its monitoring activities at the local level. Through press releases, opinion pieces, public events and interviews, the Office promoted public debates on key human rights-related topics. OHCHR-Guatemala continued to provide technical assistance on a variety of issues to authorities of the Government, Congress and the Judicial and Constitutional Courts, as well as other stakeholders. In particular, the Office provided assistance on a number of legislative initiatives, supported civil society organizations working to promote transitional justice and the eradication of violence against women, delivered training sessions to the judiciary and the General Attorney’s Office and promoted the justiciability of indigenous and economic, social and cultural rights.

**Results**

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

- **Target: Significant improvement in compliance with international human rights standards of two institutions, namely, the judiciary and the General Attorney’s Office, in relation to handling human rights violations, especially regarding discrimination against indigenous peoples and the independence of judges and prosecutors.**

Significant progress was observed in the General Attorney’s Office with the adoption of internal regulations on strategic investigation and prosecution, particularly in cases related to the internal armed conflict. The General Attorney also promoted in Congress the reform of the Statutory Law of her Office to ensure greater compliance with international standards, primarily with regard to professional careers. The law is pending approval in Congress. OHCHR provided technical assistance to the General Attorney’s Office in these and other activities.

The Constitutional Court incorporated international human rights standards in some of its policies and decisions, including in relation to cases of torture and violence against women and those related to indigenous peoples, such as the right to consultation. The Office contributed to this result by disseminating material on international standards on key human rights cases, capacity-building activities and sustained advocacy. The Supreme Court of Justice incorporated elements of international human rights standards in an initiative to reform the judicial career, as advocated by the Office, but some gaps remain regarding the independence of the judiciary.

- **Target: Significant improvement in compliance with international human rights standards of four institutions, namely the Commission on Discrimination and Racism, the Office for the Defence of Indigenous Women, the Presidential Secretariat for Women and the National Council for the Attention to Persons with Disabilities (CONADI), in relation to the use of human rights standards and indicators to plan, implement and monitor their public policies.**

Significant improvement was observed in the Commission on Discrimination and Racism (CODISRA) and the Office for the Defence of
Indigenous Women (DEMI) related to the investigation of cases involving racism and discriminatory practices. Following technical assistance provided by OHCHR to staff of both institutions, there was an increase in the cases dealt with by those institutions and an improvement in the use of international human rights standards in the analysis and follow-up of cases. In an emblematic case dealt with by DEMI, the Constitutional Court handed down a positive decision in November 2011 in favour of three imprisoned indigenous Mayan women who were granted the possibility of having an interpreter in their language. In addition, the database established by the Office, which includes information on all complaints received by those institutions, has facilitated the monitoring and follow-up of these cases.

The Presidential Secretariat for Women (SEPREM) increased the awareness and knowledge of the integration of international human rights standards in its workplan, reports and design of public policies. OHCHR-Guatemala participated in a working group established by SEPREM on the elaboration of the follow-up report to the Committee on the Elimination of Discrimination against Women (CEDAW) and provided technical assistance on the methodology of preparing periodic reports to the Committee. These efforts facilitated the preparation by SEPREM of the periodic report that Guatemala must submit by July 2012.

The National Council for the Attention to Persons with Disabilities is in the process of consolidating and implementing its mandate and has indicated its commitment to applying human rights standards in practice. The Office organized a number of training sessions addressed to staff of CONADI and non-governmental organizations (NGOs) on how to implement the Convention on the Rights of Persons with Disabilities. Following these activities, NGOs presented their inputs to CONADI for the preparation of the report to the Committee on the Rights of Persons with Disabilities.

- **Target:** Knowledge and capacity to implement human rights standards.

The Training Unit of the General Attorney’s Office has progressively incorporated the contents of the trainings in its curriculum, although a systematic institutional approach has yet to be adopted. The Office provided trainings...
to the Human Rights Unit which contributed to improving the quality of allegations and investigations related to human rights violations committed during the internal armed conflict. The Office also worked in coordination with the Training Unit of the General Attorney’s Office to plan and implement a human rights training programme for the Amparos Unit, which will continue in 2012. Notable progress was made in 2011 by the General Attorney’s Office, through the Human Rights Unit, in investigating and prosecuting those responsible for serious human rights violations committed during the internal armed conflict.

The Constitutional Justice Institute, created in 2010, has progressively assumed the capacity-building programme led by OHCHR for their clerical assistants and magistrates, which serves as the only systematic and consistent training programme. Following the technical assistance provided by the Office, key judicial decisions, particularly those handed down by the Constitutional Court, have reversed previous precedents on topics such as illegal adoptions and the rights of indigenous peoples, in line with international standards.

- **Target not achievable within the biennium: By 2011, a human rights-based approach and human rights standards have begun to be incorporated into policies and programmes related to food and health, particularly for indigenous peoples.**

The Office assisted national stakeholders and civil society organizations in their claims on policy changes in areas such as sexual and reproductive health and food security. With the support of the Office, key women’s organizations promoted the incorporation of human rights standards on sexual and reproductive health into a resolution issued by the Ombudsman that contravened human rights standards. In accordance with recommendations from the Office and special rapporteurs, the Government increased its social spending between 2009 and 2011 and presented proposals to Congress to institutionalize the Cash Transfer Programme.

- **Target: Significant improvement in compliance of legislation with international human rights standards in two areas, namely justice and security.**

In 2011, due to the electoral process, no progress was made in relation to the legislative agenda. Despite the fact that initiatives on the legal reform of key issues in the area of justice were considered by Congress, none of them were approved. The Office continued to provide advice and technical assistance to Congress through various committees and roundtables in order to ensure that initiatives and legal reforms were in conformity with international standards. The Office developed and presented analytical documents to Congress on constitutional reform, particularly related to the judicial career.

Legal reforms in the area of security were not approved. In 2011, the Office coordinated with civil society organizations and the Presidential Commission for Human Rights (COPREDEH) to promote the election of members to the National Torture Preventive Mechanism. The Office expressed its grave concern to relevant authorities of Congress about the selection process which was not in compliance with international standards.

- **Result achieved for which no target was set:** OHCHR-Guatemala conducted 52 field missions to monitor the human rights situation throughout the country. The findings of the missions helped to inform concerned duty-bearers of the need to undertake appropriate measures to provide redress for a number of situations and ensure access to justice for affected rights-holders.

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

- **Target: Legislation and policies are in place to ensure access to justice by indigenous peoples to a reasonable extent.**

As a result of OHCHR’s training programme for legal clerks of the Constitutional Court, the Court adopted several decisions (precedents in case law) incorporating and applying international standards, particularly with regard to indigenous rights. One of the Constitutional Court’s sentences included an explicit reference to the 2008 OHCHR report on access to justice for indigenous peoples.

**Participation (EA 5)**

- **Target: High use of national protection systems by key NGOs, especially indigenous organizations, in relation to indigenous rights.**

In the context of the Maya Programme, within which the Office provided capacity-building and training to key indigenous organizations involved in strategic litigation, there was an increase in the number of strategic cases brought before the national justice system. In 2011, 10 of the 11 organizations included in the first phase of the programme presented emblematic cases before the national justice system. For instance, an indigenous organization sought an injunction (amparo) before the Constitutional Court against the General Law of Communications alleging that it limited the freedom of expression of indigenous peoples. The case was admitted and is now pending final resolution by the Court. In another emblematic case, a number of
indigenous organizations sought an injunction before the Constitutional Court in relation to the Government’s attempt to establish an initiative that would regulate the right of indigenous peoples to consultation. The Court decided to grant the injunction and definitively suspend the process as it limited the scope of the right to consultation established in ILO Convention No. 169. The judgment also called on the President to redirect the initiative.

Following OHCHR’s provision of technical assistance to key civil society organizations, five legal claims were filed against the State for the violation of the right to food and admitted by the Zacapa Court. The aim of these cases is to establish jurisprudence concerning the right to food in line with international standards.

OHCHR-Guatemala provided technical assistance to women’s organizations which incorporated international human rights standards in their legal claims. These organizations obtained positive decisions, such as one issued by the local tribunal in Salama on a case of femicide which condemned the killing of two indigenous women.

Challenges and lessons learned

Following the 2011 presidential, local and congressional elections, new authorities will take office in early 2012. OHCHR-Guatemala will emphasize the importance of placing human rights promotion and protection at the top of their agendas in the coming four years. Furthermore, one of the main priorities of the newly elected Government is to address the situation of insecurity in Guatemala. The Office will face the challenge of ensuring that human rights are incorporated as a core element of security policies and actions adopted by State institutions. OHCHR-Guatemala will stress the need for the preparation and adoption of comprehensive and strategic policies for preventing and combating crime and violence that are also in compliance with human rights standards.

The judiciary continues to face the challenge of overcoming discriminatory practices in cases of violence against women, particularly when it comes to indigenous women. To face this challenge, OHCHR-Guatemala provided technical assistance to local women’s organizations networks in bringing to justice cases of violence against women.

### Guatemala: Expenditure in 2011

<table>
<thead>
<tr>
<th></th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
<td>-</td>
<td>1,959,502</td>
</tr>
<tr>
<td>Consultants</td>
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<td>159,117</td>
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<td>Official travel</td>
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<td>112,114</td>
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<td>Contractual services</td>
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<tr>
<td>General operating expenses</td>
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<tr>
<td>Supplies &amp; materials</td>
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<tr>
<td>Seminars, grants &amp; contributions</td>
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<tr>
<td>Programme support costs</td>
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<td>GRAND TOTAL</td>
<td>-</td>
<td>3,319,644</td>
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Mexico

<table>
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<tr>
<th>Year established</th>
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<td>Staff as of 31 December 2011</td>
<td>26</td>
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<tr>
<td>Expenditure in 2011</td>
<td>US$2,513,945</td>
</tr>
</tbody>
</table>

Background

Mexico’s new legal framework, enacted through the 2011 Constitutional Reform on human rights, represents outstanding progress towards the harmonization of Mexican law and international standards. In addition, the federal judiciary has taken increasingly progressive stances on a number of key human rights-related issues. Mexico’s most pressing human rights challenges continue to be intertwined with the escalating violence between various criminal groups that are disputing their territorial boundaries and the ensuing Government responses, which includes the use of the military in public security actions and arraigo (40-day pre-charge detention). The strategies employed by the authorities have been accompanied by an increase in human rights violations attributed to the security forces and take place in the absence of strong civilian control and accountability mechanisms. Efforts to reform civilian police bodies have been impeded by weak local coordination measures, different degrees of political wrangling and alleged corruption. Prevailing impunity and the weaknesses of the justice system have contributed to an increase in social discontent and exhaustion. In this context, victims’ movements have adopted a more vocal and prominent role in calling for the revision of policies and actions related to security. Human rights defenders and journalists are often among the most visible critics of the approach of authorities, as well as of the activities of organized crime, which increases their vulnerability. Access to justice for marginalized groups is a gap that has yet to be filled. In 2011, these issues were played out against a backdrop of preparations for the presidential and congressional elections scheduled for July 2012. The electoral process, including the transition to the new administration, may affect the ability of the current authorities to fully comply with their commitments in the field of human rights. During this time, a number of states will elect new governors.

OHCHR-Mexico played a positive role in actively contributing to the constitutional reform approval process. In order to establish a strong human rights legal framework, initiatives and activities were developed over several years that promoted consensus and advocacy within the Congress of the Union and local congresses and built the capacities of civil society and academia to collaborate on issues of common concern. The expected impact of the reform is the strengthening of Mexican authorities’ understanding and compliance with recommendations made by international human rights bodies and mechanisms so as to increase human rights protection in the country.

Results

National laws, policies and institutions (EA 1)

- **Target:** Significant improvement in compliance of legislation with international human rights standards in one area, namely the Federal Constitution.

On 11 June 2011, a constitutional reform which amended 11 articles of the Constitution entered into force. The reform provides for the improved integration and protection of human rights, according constitutional status to all rights enshrined in the international human rights treaties to which Mexico is party. Among other amendments, the reform establishes greater restrictions on the declaration of a state of emergency; elevates the right to asylum to constitutional status; provides foreign citizens with the right to a hearing prior to deportation; strengthens the role of the human rights Ombudsman; calls for educational and penitentiary systems to include human rights principles and practices and strengthens constitutional procedural protection for human rights. Other important constitutional amendments that entered into force in 2011 include the overhaul of amparo (injunction) to extend its reach to the protection of all human rights enshrined in international human rights instruments; and the enshrinement of the rights to food and water. OHCHR-Mexico’s contribution to this result began in December 2006 when it signed a collaboration agreement with the Federal Congress to develop a series of activities designed to encourage discussion of constitutional reforms related to human rights. OHCHR-Mexico also facilitated a broad dialogue between academics, human rights experts and non-governmental organizations (NGOs) which resulted in the publication of a “Comprehensive Proposal for Constitutional Human Rights Reform” in February 2008. The document included progressive proposals to integrate the body of international human rights law into Mexico’s Constitution. Since 2008, OHCHR has undertaken a series of advocacy activities, including press conferences, press releases and private dialogue with Members of Congress and Government officials to build consensus for approval of the amendments.
Target: Significant improvement in compliance of federal legislation with international human rights standards in five areas, namely: freedom of expression, rights of indigenous peoples, migrants’ rights, human rights defenders and enforced disappearances.

In May 2011, the new Immigration Act, which takes into account various recommendations issued by UN human rights mechanisms, entered into force and established the protection of the rights of all migrants regardless of their immigration status. OHCHR-Mexico closely followed the drafting process and facilitated access of UNHCR so that it could provide technical input and guidance.

By the end of 2011, Congress approved the abolition of libel and slander as crimes. The corresponding law has yet to be promulgated. On the request of Congress, OHCHR provided technical input and guidance for the drafting of the bill.

Target: Significant improvement in compliance of state legislation with international human rights standards in one area (personal integrity).

Three Mexican states have begun discussing the drafting of legislation on enforced disappearances. OHCHR-Mexico followed the drafting process, alongside Members of Congress and civil society, providing technical input and guidance in accordance with good practices communicated by the UN Working Group on Enforced or Involuntary Disappearances, which visited Mexico in March 2011.

Target: Significant improvement in compliance with international human rights standards of the Mexico City Human Rights Plan as a result of the development of indicators.

The Mexico City Governmental Mechanism was established to implement and evaluate the local human rights programme. OHCHR-Mexico collaborated with the Mexico City Government in the earliest stages of its design. Substantive progress was also achieved in relation to the elaboration of two new human rights assessment processes in Oaxaca and Baja, California. In Oaxaca, OHCHR maintained regular contact with 90 civil society organizations from five regions and six academic institutions to disseminate the Office’s methodology for the elaboration of human rights assessments. In Baja, California, OHCHR contributed to the assessment process by providing the operational guidelines for the Coordinating Committee, organizing capacity-building activities with its members and promoting the open participation of civil society organizations in the process. In adopting OHCHR’s framework on indicators, the Mexican State undertook responsibility for adhering to 111 indicators related to combating violence against women.

Target: Two human rights institutions work significantly in conformity with international standards in relation to the incorporation of international human rights standards in their work on the situation of human rights defenders.

Three human rights institutions worked in conformity with international standards in their activities related to human rights defenders. In October 2011, the Federal Ombudsman was re-accredited with “A” status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). In addition, some state-level human rights institutions expressed their interest in participating in a similar process. OHCHR facilitated the process of information-sharing between national institutions and the ICC.

Result achieved for which no target was set: OHCHR-Mexico conducted 64 field missions in 18 states, which represented 190 days in the field.

Access to justice and basic services (EA 4)

Target: Specific policies are in place to enhance access to justice for indigenous peoples in relation to the provision of legal assistance in indigenous languages through, or by means of, the official establishment of a national roster of interpreters.

OHCHR-Mexico provided technical advice in cases related to access to justice by indigenous peoples. The Office’s monitoring and advocacy activities based on international human rights standards led to the release of a Mayan woman who had been unfairly detained for over three years. These activities also led to a watershed judgment issued by the Electoral Tribunal of the Federal Judiciary that integrated international human rights standards and ordered a community-based public consultation for the election of their own authorities. OHCHR continued to monitor and advocate for the cases of other individuals, including the arbitrary detention of two indigenous Nahua human rights defenders in Atla, Puebla. They remain in prison while the case is pending resolution.

State engagement with human rights mechanisms (EA 6)

Result achieved for which no target was set: To support efforts to implement recommendations issued by international human rights mechanisms, OHCHR, the Foreign Ministry and a university jointly launched an online search
tool (http://recomendacionesdh.mx/) which contains 1,496 human rights recommendations issued by international special procedures, quasi-judicial bodies and human rights courts in relation to Mexico.

Civil society engagement with human rights mechanisms (EA 7)

- **Target:** Three shadow reports submitted, namely to the Human Rights Committee, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of Persons with Disabilities (CRPD), and 14 substantive documents submitted to special procedures.

Civil society organizations submitted two documents to CRPD and three to CEDAW, while one individual submitted a document to the Committee on the Elimination of Racial Discrimination (CEDR). In terms of engagement with special procedures mandate-holders, 13 documents were submitted to the Working Group on Enforced and Involuntary Disappearances (two of which were submitted by national human rights institutions) and two others were submitted to the Special Rapporteur on the right to food. To contribute to these results, OHCHR supported the visit of a number of mechanisms to Mexico; coordinated the participation of civil society organizations during these visits; followed up on the outcomes of the missions; facilitated a series of meetings to support the effort of a coalition of NGOs in the preparation of two joint reports to CRPD; and provided training to people of African descent in Mexico which, inter alia, resulted in the submission of a document to the CERD Committee.

“Declare Yourself a Defender” campaign

During her visit to Mexico in July, the High Commissioner launched the ‘Declare Yourself a Defender’ campaign. Eight hundred people attended the launch - 150 of whom were media representatives - while an additional 400 people followed the events on Livestream. Advertising for the campaign appeared in 45 different newspapers and magazines and 12 civil society organizations carried a link on their websites. OHCHR-Mexico believed it was crucial to form alliances with public figures, such as Saul Hernández (singer, songwriter and guitarist for Caifanes, one of Mexico’s most iconic rock bands), Lydia Cacho (one of the most recognized journalists in Mexico), Cecilia Suárez (a Mexican actress who has shown an impressive commitment to social causes over the last 10 years) and Javier Solórzano (one of the most reputable journalists in Mexico). In order to strengthen the campaign, a wide range of promotional activities were organized throughout the year. These included presentations at universities, organizations, public events in Mexico City’s main square, a human rights fair, the International Book Fair in Guadalajara and a cultural evening dedicated to human rights in Oaxaca. The distribution of promotional materials, such as cards, posters and information on human rights defenders helped to increase awareness. As part of a strategy to internationalize the campaign, the website Yomedeclaro.org was translated into eight languages to promote the message that anyone can be a defender of human rights. The video “Declarate,” the main product of the campaign, has had more than 340,000 views, a figure previously unheard of for other OHCHR videos. The website exceeded the 90,000 visitor limit and the video was shared on social networking sites such as Facebook, Twitter and YouTube. The campaign hashtag on Twitter became a trending topic in Mexico during the week of the launch thanks to the efforts of a team of dedicated human rights enthusiasts. OHCHR-Mexico became the first office and UN agency in 2011 to carry out a campaign using social networking sites as its main promotional tools.
Challenges and lessons learned

Full implementation of the 2011 Constitutional Reform on human rights requires a complete overhaul of various frameworks within the Executive, Judicial and Legislative branches. It is also essential for public servants to assume ownership over the implementation process in line with international standards. The reform process requires the approval within one year of secondary legislation on a number of issues. The general election of 2012 will renew the whole Federal Congress (as Members of Congress are not eligible for re-election) and therefore threatens to undermine the success of these legislative amendments and the ability of OHCHR-Mexico to fulfil its planned objectives for 2012.

In the context of violence and insecurity, there is no visible change regarding the military’s role in public security actions. In fact, there are an increasing number of allegations of human rights violations attributed to military personnel. According to Mexico’s National Human Rights Commission (CNDH), 32.6 per cent of its 2011 recommendations were directed at the armed forces. The Office is facing new challenges in relation to military forces due to, inter alia, major security challenges, pressure for results, the fight against drug trafficking and new modalities of operations, the involvement of military units in security issues and the absence or weakness of internal control mechanisms. In addressing this challenge in accordance with the required respect for human rights, the Office has adopted a tailored strategy which includes the monitoring of cases, the provision of advice to authorities and cooperation with State institutions. In July 2011, the Office signed an agreement with the Ministry of Defence. The challenge for 2012 will be the full implementation of its workplan.

As a result of working in a federal state, OHCHR-Mexico has more fully appreciated the impact of its efforts at the local level in specific states, particularly in relation to the development of public policies and indicators and its specific interventions. The challenge for 2012 will be to further develop sustainable programmes at the state level, including through assessments and public policy programmes that integrate a human rights perspective.

### Mexico: Expenditure in 2011

<table>
<thead>
<tr>
<th>Item</th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
<td>-</td>
<td>1,469,201</td>
</tr>
<tr>
<td>Consultants</td>
<td>-</td>
<td>119,505</td>
</tr>
<tr>
<td>Official travel</td>
<td>-</td>
<td>204,960</td>
</tr>
<tr>
<td>Contractual services</td>
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<tr>
<td>General operating expenses</td>
<td>-</td>
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<tr>
<td>Supplies &amp; materials</td>
<td>-</td>
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</tr>
<tr>
<td>Seminars, grants &amp; contributions</td>
<td>-</td>
<td>85,643</td>
</tr>
<tr>
<td>Subtotal</td>
<td>-</td>
<td>2,224,730</td>
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<tr>
<td>Programme support costs</td>
<td>-</td>
<td>289,215</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>-</td>
<td>2,513,945</td>
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### Regional Offices

#### Regional Office for Central America (Panama City, Panama)

<table>
<thead>
<tr>
<th>Year established</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>11</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$810,467</td>
</tr>
</tbody>
</table>

### Background

In Central America, the recovery from the negative impact of the global economic and financial crisis remained fragile in 2011. Despite positive macroeconomic indicators, social and economic inequality persists and poverty and extreme poverty rates remain high, primarily affecting indigenous peoples and Afro-descendants. Citizen security continues to generate significant political attention across the region due to increasing crime. High rates of violence and violence against women remain widespread. Other issues of concern include: racism and racial discrimination against indigenous peoples and Afro-descendants; trafficking in persons and human rights violations related to migration; as well as corruption, weak democratic institutions and ineffective accountability mechanisms. Most countries in the region have a good record of ratification of international human rights instruments and domestic frameworks generally recognize and protect human rights. Implementation, however,
continues to be a challenge and a number of instruments have not yet been ratified.

During 2011, the Regional Office for Central America continued to engage with Governments, national human rights institutions (NHRIs), civil society organizations, regional and subregional organizations and United Nations Country Teams (UNCTs) in order to: promote the ratification of international human rights instruments and support the implementation of the recommendations formulated by the Universal Periodic Review (UPR), treaty bodies and special procedures; strengthen the capacities of States to address human rights violations; assist groups that suffer discrimination in accessing justice and making use of the international protection mechanisms; and support the elaboration of human rights-based United Nations Development Assistance Frameworks (UNDAFs) across the region. In particular, the Regional Office contributed to raising public awareness about the critical issues being faced by indigenous peoples and Afro-descendants and strengthened the capacities of States to fight discrimination against these groups. The Regional Office also strengthened alliances with other international actors in the area of citizen security, working in close partnership with the Inter-American Commission on Human Rights (IACHR) and collaborating with the System for Central American Integration (SICA).

Results

National laws, policies and institutions (EA 1)

- **Target for Panama**: NHRI in Panama works partially in conformity with international human rights standards in relation to Afro-descendants.

  The NHRI has shown an increased willingness to enhance its work against racism and racial discrimination. The creation of an anti-discrimination unit charged with establishing procedures on how to deal with cases of racial discrimination within the NHRI was agreed to by the Ombudsperson. The NHRI has taken a more active lead in the Commission against Discrimination. A strategic plan is being drafted with the support of the Regional Office.

- **Target for Costa Rica**: NHRI in Costa Rica works partially in conformity with international human rights standards in relation to Afro-descendants.

  The NHRI has recently begun taking up cases of racism and racial discrimination. A procedural handbook for dealing with cases of discrimination is being drafted to systematize the way that discrimination cases are addressed by the NHRI. It has also initiated a process of engagement with Afro-descendant organizations on how it can strengthen its case-handling procedures with respect to cases of racial discrimination and racism. The Regional Office contributed to this increased capacity through training, the exchange of experiences and the provision of technical advice in relation to the elaboration of procedures to deal with cases of racial discrimination and racism.

- **Target for Nicaragua**: NHRI in Nicaragua works partially in conformity with international human rights standards in relation to Afro-descendants.

  The NHRI has taken steps to review its modalities on how to deal with cases relating to Afro-descendant populations, particularly through a procedural protocol for dealing with cases and situations of racial discrimination and racism. The Regional Office’s training events have opened up a new space for Afro-descendant civil society to question and make demands to its NHRI, which has proven to be a useful forum of discussion and exchange. The work of the Regional Office has served to sensitize the NHRI and enhance the promotional functions performed by the institution as expressed by the Afro-descendant communities.

Ratification (EA 2)

- **Target for El Salvador**: One international human rights treaty ratified by El Salvador (the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)).

  El Salvador ratified the OP-ICESCR on 20 September 2011. The Regional Office met with the International Affairs Commission of Congress on several occasions to explain the content and objectives of the Protocol and its implications for the country. The Office distributed relevant material related to the Protocol. The National Congress approved the recommended text by consensus.

- **Target for Costa Rica**: One international human rights treaty ratified by Costa Rica (OP-ICESCR).

  The OP-ICESCR was signed in April but still needs to pass through the National Assembly for ratification. The Regional Office was formally received by the Commission of International Affairs of the National Congress and, with the support from an expert adviser.
from headquarters and a member of the Committee on Economic, Social and Cultural Rights, was able to clarify doubts regarding the national-level impact and benefits of ratification. The Office has begun engaging with the National Congress to ensure swift ratification of the OP-ICESCR once it has been submitted by the Executive in 2012.

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

- **Target for El Salvador:** Adequate legislation and policies are in place to ensure access to justice by women to a partial extent.

  In 2011, El Salvador improved access to justice for women victims of gender-based violence through the elaboration of a protocol for the investigation of cases of femicide. The protocol for the investigation of cases of femicide was developed with the assistance of the Regional Office and has now been finalized. It provides prosecutors, judges and the police with a guidance tool for the effective prosecution of such cases. The Office provided technical advice and hired an international consultant that adapted the model protocol developed by UN Women in Mexico for application to El Salvador’s legislative framework and investigation procedures. The Office also developed the capacities of prosecutors and professionals from the justice sector through a training course on the investigation of femicide and equipped the Prosecutor’s Academy School with a pool of 70 trainers to replicate the process.

**State engagement with human rights mechanisms (EA 6)**

- **Target for Belize:** Two of the outstanding priority UPR recommendations with significant implementation progress in Belize.

  The UPR recommendations requested that Belize continue its efforts in submitting overdue reports under the various international conventions to which Belize is a party and seek technical assistance for the establishment of an inter-institutional committee to prepare the reports and follow up on implementation of the recommendations. Progress was made in implementing these recommendations. With the support of the Secretariat of the Committee on the Elimination of Racial Discrimination (CERD), OHCHR trained Government officials on the preparation of its report and advocated with the Ministry of Foreign Affairs to speed up the drafting process of its initial report. The Office also provided technical advice to an initiative of UNDP promoting the establishment of an inter-institutional committee to follow up on the recommendations of international human rights mechanisms.

- **Target for Costa Rica:** One of the outstanding priority UPR recommendations with significant implementation progress in Costa Rica.

  In response to a UPR recommendation, an inter-institutional committee to follow up on the recommendations formulated by international human rights mechanisms was established by presidential decree and published in Costa Rica’s official journal on 30 September 2011. The Regional Office advocated with the Ministry of Foreign Affairs for the establishment of the committee and provided inputs to the drafting of the decree. The inter-institutional committee will be in charge of drafting a national action plan against discrimination, as recommended by the UPR. OHCHR provided technical and financial assistance for a project that supported the process under the leadership of the Ministry of Foreign Affairs.

- **Target for Panama:** Three of the outstanding priority UPR recommendations with significant implementation progress in Panama.

  In response to a voluntary pledge and two UPR recommendations, Panama ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), extended a standing invitation to special procedures and established an inter-institutional commission to follow up on the recommendations formulated by international human rights mechanisms. The Regional Office advocated with the Ministry of Foreign Affairs for the implementation of these recommendations and to ensure the participation and inclusion of civil society organizations, in addition to providing technical inputs to the presidential decree establishing the commission.

**Civil society engagement with human rights mechanisms (EA 7)**

- **Targets for Costa Rica, El Salvador, Honduras, Nicaragua and Panama:** Indigenous or Afro-descendant organizations from these countries submit substantive documents to special procedures, treaty bodies or the UPR.

  Indigenous peoples organizations from El Salvador and Honduras drafted and submitted communications to the Special Rapporteur on the rights of indigenous peoples. Seven Afro-descendant organizations from Nicaragua jointly submitted two communications to the Special Rapporteur on contemporary forms of
racism and the Special Rapporteur on adequate housing. In Panama, an alternative report to the Committee on the Rights of the Child (CRC) was presented by an indigenous women’s organization; one communication to the Special Rapporteur on contemporary forms of racism was jointly drafted by an Afro-descendant organization and several individuals; and one communication was drafted by an indigenous peoples’ leader and submitted to the Special Rapporteur on the rights of indigenous peoples. The Regional Office provided technical advice to these organizations through regional seminars and trainings to enhance their capacity to engage with UN human rights mechanisms.

Human rights mainstreaming within the United Nations (EA 11)

- **Target for El Salvador: Common Country Assessment (CCA)/UNDAF of El Salvador** integrated human rights standards and principles to a substantial degree.
  
  The UNDAF in El Salvador, signed on 18 February 2011, integrated human rights standards and recommendations of international human rights mechanisms. El Salvador’s UNDAF included specific indicators focusing on the situation of indigenous peoples and the implementation of recommendations from the Special Rapporteur on violence against women. OHCHR participated in the drafting of the UNDAF and provided specific inputs in relation to indigenous peoples and violence against women.

- **Target for Panama: CCA/UNDAF of Panama** integrated human rights standards and principles to a partial degree.
  
  The CCA/UNDAF in Panama (UNDAF signed on 2 September 2011) integrated human rights standards and recommendations of international human rights mechanisms. The UNDAF included one outcome dedicated to the implementation of recommendations issued by UPR and treaty bodies. The Regional Office promoted the participation of Afro-descendant civil society organizations in the UNDAF process in Panama and provided advice on the inclusion of the outcome dedicated to the implementation of recommendations issued by the UPR and treaty bodies.

Challenges and lessons learned

In 2010, the Regional Office established an Indigenous Regional Consultative Mechanism to guarantee the principle of free, prior and informed consent of indigenous peoples, establish priorities for action and ensure their participation in all stages of the programming process in relation to issues affecting their lives. The mechanism is composed of 15 indigenous representatives from Costa Rica, El Salvador, Honduras, Nicaragua and Panama. As a result of this mechanism, indigenous peoples and the Regional Office are in a better position to strengthen collaboration and identify common initiatives. The process leads to a more realistic contextual, meaningful and culturally specific assessment of the human rights situation as experienced by each group. The establishment of this mechanism was instrumental in the creation of a relationship of trust with indigenous groups in the region, resulting in OHCHR’s increased engagement and leadership in this area. The initiative was presented to the 2011 UN Permanent Forum on Indigenous Issues as an example of a successful means of guaranteeing the principle of free, prior and informed consent of indigenous peoples through effective consultation processes that can be replicated by other OHCHR field presences.

### Regional Office for Central America (Panama City, Panama): Expenditure in 2011

<table>
<thead>
<tr>
<th></th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
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<td>Personnel and related costs</td>
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<td>Consultants</td>
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<td>Supplies &amp; materials</td>
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<td>Subtotal</td>
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<td><strong>GRAND TOTAL</strong></td>
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<td><strong>115,795</strong></td>
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Regional Office for South America (Santiago, Chile)

<table>
<thead>
<tr>
<th>Year established</th>
<th>2009</th>
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<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>8</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$1,406,793</td>
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</tbody>
</table>

**Background**

Most countries in the subregion have strengthened their democracies and developed solid legal frameworks for human rights protection. Argentina, Peru and Venezuela have established national human rights institutions (NHRIs) in compliance with the Paris Principles. In Uruguay, the law creating the NHRI was approved in December 2008, although it has yet to be established. The ratification rate of the international human rights treaties is high and most countries have extended standing invitations to special procedures. A considerable number of mandate-holders have undertaken missions to the region during the last biennium. Despite positive developments achieved during 2011, large proportions of the population living in the region continue to experience difficulties in relation to the enjoyment of their human rights, including as a result of poverty, discrimination and social violence. Gaps in human rights protection exist, particularly in relation to citizen security, prison conditions, impunity and past human rights abuses committed under dictatorial regimes. Discrimination against indigenous peoples and Afro-descendants is widespread and manifested in a failure to recognize their rights to lands and territories and the ineffective enforcement of their right to consultation. Racial stereotypes are common and national programmes designed to prevent racial discrimination have not yielded sufficient results for the worst affected groups. Lack of independence of the judiciary and attacks against human rights defenders are additional concerns in the region.

The Regional Office for South America (ROSA) was re-established in Santiago, Chile, following the signing of an agreement between OHCHR and the Government of Chile on 23 September 2009. ROSA covers six countries, namely: Argentina, Brazil, Chile, Peru, Uruguay and Venezuela. OHCHR works in close cooperation with Governments, parliaments, the judiciary, NHRIs, civil society organizations (CSOs), regional and international organizations, institutions of the Southern Common Market (MERCOSUR) and United Nations Country Teams (UNCTs) to develop their capacities to improve the promotion and protection of the full range of human rights in conformity with international human rights standards.

**Results**

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

- **Target not achievable within the biennium for Chile: NHRI established in accordance with the Paris Principles.**
  In March 2011, the Chilean Senate adopted a resolution recommending that the Government give priority to the legal initiative aimed at the creation of an Ombudsman according to the Paris Principles. During the reporting period, the Regional Office raised the awareness of parliamentarians and the NGO Ombudsman Chapter about the importance of the establishment of a Paris Principles-compliant NHRI, which is also included in the United Nations Development Assistance Framework (UNDAF) signed by the Government. The Regional Office was instrumental to the adoption of the Senate’s resolution which was based on arguments provided by OHCHR in factsheets and letters to parliamentarians.

- **Target not achievable within the biennium for Uruguay: Uruguayan human rights institution is functioning according to the Paris Principles.**
  At the end of 2011, the Congress created a joint commission (Senate and Representatives Chambers) to select the five commissioners of the NHRI. It is anticipated that the first commissioners will be appointed in April 2012, initiating the process of the progressive establishment of the Uruguayan NHRI, as outlined in the Uruguayan UNDAF 2011-2015.
signed by the Government. The Regional Office supported these efforts by raising the awareness of parliamentarians and the Government about the importance of taking steps for the functioning of the NHRI and participating in the development of a strategy for its functioning, taking into account best practices from around the region.

- **Target for Peru:** Significant improvement in compliance with international human rights standards of one institution (the judiciary) in relation to the use of standards on cases relating to indigenous peoples. Fifty public prosecutors and judges have increased their awareness of and developed their knowledge and skills about the application of relevant human rights treaties, instruments and standards regarding indigenous peoples. In alliance with the ILO, the Regional Office organized and conducted a two-month course focused on the direct applicability or interpretative effect of international human rights treaties in domestic courts. The course was also broadcast live on the judiciary’s television channel in order to reach public prosecutors and judges in several judicial regions throughout the country, including the main indigenous regions. In Peru, the law on consultations with indigenous peoples was adopted in September 2011 and a new Vice-Ministry of Intercultural Affairs was created. The Regional Representative of OHCHR held meetings to advocate for the approval of this Law with the Government, Congress, the judiciary, the Ombudsman and the Director of the National Department on Indigenous Peoples.

**Ratification (EA 2)**

- **Target not achievable within the biennium for the region:** Increased ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in countries covered by ROSA.

The Government of Argentina ratified the OP-ICESCR at the end of October 2011. In Peru, the Regional Office presented the main aspects of the OP-ICESCR to the Ministry of Foreign Affairs, the NHRI and a group of key NGOs working on economic, social and cultural rights. In Uruguay, the Regional Office conducted training on the OP-ICESCR for the UNCT and the Ministry of Education’s Human Rights Division. The Office delivered its own factsheets on the OP-ICESCR, the ICPPED and the CRPD to the six countries it covers. In November 2011, the Regional Office organized a regional seminar in Santiago on the OP-ICESCR for representatives of the Ministry of Foreign Affairs and parliamentarians from Argentina, Brazil, Chile, Peru, Uruguay and Venezuela. The participants analysed the main content of the OP-ICESCR, the current status of this treaty in each country, the forthcoming challenges for its future ratification, as well as exchanging best practices and lessons learned aimed at raising awareness about the importance of the OP-ICESCR and exploring ways for the respective parliaments to achieve ratification.

**State engagement with human rights mechanisms (EA 6)**

- **Target not achievable within the biennium for Brazil:** Brazil has taken steps to ensure follow-up to the UPR recommendations through participatory processes. Support was provided to Brazil to follow-up on UPR recommendations in the areas of poverty and economic, social and cultural rights, citizen security, torture (particularly the National Preventive Mechanism in line with the Optional Protocol to the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)) and the adoption of human rights indicators through ongoing engagement with governmental and non-governmental stakeholders, in-country missions, media appearances and the dissemination of information.

- **Target for Venezuela:** UPR report by Venezuela substantially or fully conforms to reporting guidelines.

The Government of Venezuela submitted its UPR report in conformity with the general guidelines adopted by the Human Rights Council. Among other activities to promote the UPR process in the country, the Regional Office conducted a training session on the UPR for representatives of national institutions, including the Executive Branch and the National Congress.

- **Result achieved for which no target was set:** Peru submitted outstanding reports to the Committee on Economic, Social and Cultural Rights on 20 January 2011 and to the Human Rights Committee on 18 September 2011. The Regional Office contributed to this result by carrying out a workshop on reporting to treaty bodies.
Civil society engagement with human rights mechanisms (EA 7)

- **Target for Argentina:** Five stakeholders (NHRIs, CSOs and individuals) submit substantive documents to treaty bodies and special procedures.
  
  In 2011, a total of 21 documents were submitted by Argentinian CSOs to human rights mechanisms, including the monitoring committees of ICESCR, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the International Covenant on Civil and Political Rights (ICCPR) and the Special Rapporteur on the rights of indigenous peoples. The Regional Office contributed to this result by disseminating material on the international human rights mechanisms among CSOs and conducting a training session for more than 120 Argentinian indigenous leaders in collaboration with the NHRI.

- **Target for Chile:** Three stakeholders (NHRIs, CSOs and individuals) submit substantive documents to treaty bodies and special procedures.
  
  In Chile, 14 CSOs sent documents to human rights mechanisms including the monitoring committees of CAT, ICRMW, and the Special Rapporteur on the rights of indigenous peoples. The Regional Office contributed to this by: conducting two training sessions for indigenous representatives on the use of UN human rights mechanisms and international standards related to the rights of indigenous peoples; distributing fact sheets on the mechanisms; and providing technical advice to NGOs working with indigenous peoples.

- **Target for Peru:** Six stakeholders (NHRIs, CSOs and individuals) submit substantive documents to treaty bodies and special procedures.
  
  Five Peruvian CSOs and the NHRI sent documents to human rights mechanisms including the monitoring committees of ICESCR, CRPD, the International Convention on the Elimination of Racial Discrimination (ICERD) and the Special Rapporteur on torture. The Regional Office contributed to this by distributing material on the human rights mechanisms in collaboration with the UNCT and carrying out two training sessions in Peru on the rights of indigenous peoples which were organized in collaboration with the NHRI.

Human rights mainstreaming within the United Nations (EA 11)

- **Targets for Chile, Peru, and Uruguay:** Common Country Assessment (CCA)/UNDAF significantly integrates human rights standards and principles.
  
  The UNDAFs of Chile, Peru and Uruguay were developed using a human rights-based approach and included human rights interventions to be implemented by OHCHR directly or in collaboration with other agencies. The Regional Office participated in the drafting of these documents and provided technical advice and relevant input in order to incorporate a human rights-based approach.

Challenges and lessons learned

Maintaining working relationships with State actors and civil society organizations facilitates the work of the Regional Office in providing assistance and advisory services. OHCHR’s presence in the region makes it easier to engage with Governments and other stakeholders, regularly visit the countries covered by the Office, establish contacts and build relationships with various partners. Furthermore, OHCHR’s regional perspective has allowed it to have a better understanding of the complexity of the human rights issues faced in the region while also enabling it to share the experiences and good practices implemented by various countries that could be replicated in others.

### Regional Office for South America (Santiago, Chile): Expenditure in 2011

<table>
<thead>
<tr>
<th>Category</th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
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</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
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<td>Contractual services</td>
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<td>General operating expenses</td>
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<td>Supplies &amp; materials</td>
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<td>Programme support costs</td>
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<td>GRAND TOTAL</td>
<td>570,417</td>
<td>836,376</td>
</tr>
</tbody>
</table>
Discrimination against native peoples is endemic in South America, where estimates of the number of indigenous peoples range widely. In the six countries covered by OHCHR’s Regional Office for South America (Argentina, Brazil, Chile, Peru, Uruguay and Venezuela), there are roughly 10 million indigenous peoples, comprising close to 6 per cent of the population. The country with the highest proportion is Peru, where one in four people is indigenous. It is important to make indigenous peoples the “authors of our own changes,” says Tarcila Rivera, a native leader with the Indigenous Cultural Centre CHIRAPAQ, which has been active in Peru for the past 25 years. She focuses on raising awareness among native women. “Our region still has a strong colonial presence. There is a lot of racism and discrimination and we find that our actions are often de-legitimized,” laments Rivera. “But we have been gaining ground because people are changing; times are changing. I have so much hope in this regard.”

In many countries in the region there has been a renaissance in recent years, with both rural and urban natives recognizing their culture and taking a stand for their rights. In Chile, Peru and several other countries, programmes to ensure multicultural and bilingual education have been introduced with great success. Nevertheless, significant challenges remain and have been highlighted by several UN human rights mechanisms: entire communities have been forcibly displaced; indigenous peoples still lack consultation mechanisms and proportional political representation; their land claims are largely ignored; rates of poverty, infant mortality, illiteracy and suicide are often twice as high as the national average; and many human rights defenders and individuals face violence and persecution by security forces. “In cases of institutional violence by police, in cases of discrimination against indigenous peoples and others, and in cases of generic violations of economic, social and cultural rights, there are no local mechanisms to force authorities to comply with their obligations,” says native rights defender Juan Manuel Salgado. He is a lawyer and Director of the Observatory for the Human Rights of Indigenous Peoples, based in the southern Argentine province of Neuquén. Argentina, like many countries in South America, lacks a national law that typifies racial discrimination as a crime.

Salgado, Yañez and Rivera work to bridge the legal gaps by promoting the rights of indigenous peoples provided under international human rights instruments, including: the United Nations Declaration on the Rights of Indigenous Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination, and ILO Convention No. 169, among others. OHCHR’s Regional Office for South America works with all States to ensure that international human rights law is taken into account. In September and October, the Office offered a training programme for high-level Peruvian judges and public prosecutors on indigenous jurisprudence and provided legal training for young Chilean indigenous leaders in November.

“In a country like Chile where there is no Ombudsman and where the State doesn’t provide legal services to the population, instances like the Observatory and other human rights organizations are the only options for communities with such scarce resources to access professional help,” Yañez says, “Our main obstacle is excessive demand.” Yañez admits that the heavy workload can take a personal toll: “It is full-time, 24 hours a day, and sometimes that is just unsustainable. Still, it is a line of work she says she would not trade for anything. “From a personal perspective, working with human rights provides tremendous gratification,” says Yañez, “not only because we manage to uphold the rights of a person or a vulnerable group, but also because when you work with indigenous communities you have the opportunity to get to know their cosmovision, which contributes so much to our understanding of human beings and of the universe.”
Human Rights Components in UN Peace Missions

United Nations Stabilization Mission in Haiti

Year established 2004
Staff as of 31 December 2011 58

Background

Before the earthquake of January 2010, the human rights situation in Haiti was characterized by deep poverty, poor realization of economic and social rights, continued impunity for violations of civil and political rights, weak national institutions and a fragile civil society. The earthquake exacerbated this dire situation, caused the deaths and injuries of many thousands of people and destroyed public and private infrastructure, thereby diminishing an already weak capacity of the State to fulfil its human rights obligations. It also created new challenges, in particular, the protection of populations living in camps.

The year 2011 began with the most serious cholera outbreak seen in the world in recent decades, leading to more than 7,000 deaths and the illness of hundreds of thousands of people within a 12-month period. Throughout 2011, the humanitarian response to the earthquake continued, primarily through support to camps, debris removal and reconstruction projects. At the end of the year, a humanitarian Consolidated Appeal was launched for 2012 and the humanitarian Clusters, including the Protection Cluster, began to implement plans to transition their responsibilities to State-led structures. This transition includes building the capacity of State authorities to manage emergency preparedness and response. Contested presidential and parliamentary elections at the end of 2010 continued in 2011 with a delay of several months of the second round elections. The new President took office in May but was unable to get the necessary support from Parliament for his nominees for Prime Minister, effectively leaving the country without an operational Government for several months and further affecting the planned activities in the field of human rights.

The Human Rights Section (HRS) is the entity within the United Nations Stabilization Mission in Haiti (MINUSTAH) responsible for human rights. Its Head is also the representative of the High Commissioner for Human Rights and the Haiti Protection Cluster Lead. The HRS’s mandate, in support of MINUSTAH’s core stabilization responsibility, is to promote and protect human rights, including through monitoring and reporting, and to support the Haitian State, the Office of the Ombudsperson and civil society organizations.

Results

National laws, policies and institutions (EA 1)

- Over the past two years, there was an improvement in the police’s respect of the 48-hour maximum delay, under law, of detaining people before being presented before a judicial authority. The HRS contributed to this by training national police officers which resulted in a significant decrease in the ill-treatment of detainees in police stations.
- In the context of the presidential elections, the HRS released a note on election-related arrests that led to the subsequent release of 18 people.
- On 22 July 2011, President Martelly declared that his Government was opposed to forced evictions and requested that municipalities put a hold on any evictions. This was a result of long-term advocacy undertaken by the HRS and its partners. The HRS monitored forced evictions of camp inhabitants and responded in specific cases by engaging with municipal authorities, landowners and camp populations to avoid or delay forced evictions. The Protection Cluster contributed to the development and dissemination of Standard Operating Procedures (SOPs) that served as guidelines for municipal authorities, the police, camp managers, members of the Protection Cluster and UN partners to contribute to the prevention of forced evictions and protection of human rights. The HRS issued two press releases calling on national authorities to oppose forced evictions and identify viable solutions for persons living in camps within the broader framework of the right to adequate housing. Above all, the HRS and the Protection Cluster continued to advocate for a comprehensive State plan for the closure of camps. Despite the President’s statement, municipalities and landowners continued to threaten people living in camps with forced evictions and no comprehensive national plan has been developed to provide them with feasible long-term solutions.
- Out of 52 cases of human rights violations brought to the attention of the State justice and accountability mechanisms, the offices of relevant prosecutors across the country opened investigations into at least 22 cases. The 52 investigations into human rights violations conducted by the HRS, involving more than
100 police officers across the country, included cases of more than 25 civilian deaths, alleged summary executions and torture. The HRS used its investigations to advocate for and support action by State justice and accountability mechanisms. Information collected by the HRS during its investigations was regularly shared with the Inspectorat Générale de la Police Nationale Haïtienne and the judiciary. The HRS also supported several juges d’instruction (investigating judges) in carrying out their investigations, leading to the arrest and detention of approximately 10 police officers.

Within two weeks of the public release by HRS of two reports entitled “Report on alleged killings by Haitian National Police and the response of State authorities” and “Report on the torture and murder of Serge Démosthène,” one alleged perpetrator, a police officer, was arrested.

The trial regarding the case of the killing of at least 11 inmates in the Les Cayes prison in 2010 took place in 2011. The HRS advocated in favour of a trial and monitored the proceedings. While the authorities were able to complete several investigations and bring the case to trial, the results of the initial investigations were deemed inconclusive due to an absence of information on essential elements. This affected the strength of the prosecution’s arguments, but did not necessarily affect the outcome. The trial proceedings were frequently chaotic and there were allegations of threats against witnesses.

The Office of the Ombudsman (OPC) is implementing its decentralization plan and maintains regional offices in nine jurisdictions outside Port-au-Prince. It is supported by the HRS, together with MINUSTAH. In particular, the HRS worked with OPC personnel at regional levels to address human rights violations in the context of detention. The OPC indicated it successfully addressed 735 cases of illegal detention.

Access to justice and basic services (EA 4)

The HRS provided support to six Haitian non-governmental organizations (NGOs), directly benefiting over 12,000 people, to prevent sexual and gender-based violence and inform victims of how to seek judicial redress.

Participation (EA 5)

In the North-East Department, civil society organizations finalized a report on human rights priorities and presented it to different actors, including local officials, civil servants and elected parliamentarians, to be used as a reference document in the preparation of public policies and budgets. Parliamentarians in the North-East Department publicly endorsed the report and presented it to the new Prime Minister. Civil society members attended several meetings held by public authorities related to health and economic planning and programming to ensure compliance with the identified regional priorities. The HRS provided support to civil society organizations on public-policy monitoring and identification of development priorities within the local public budgets. In 2012, this same initiative will be carried out in seven departments in the country.

State engagement with human rights mechanisms (EA 6)

The Human Rights Council reviewed Haiti’s Universal Periodic Review (UPR) report on 13 October 2011. The Section supported the governmental committee in charge of preparing Haiti’s report, including through the organization of a public consultation with civil society representatives. The HRS also coordinated the contributions from MINUSTAH and the United Nations Country Team (UNCT) to the UPR and compiled the joint United Nations report for the UPR on Haiti. After the review by the Human Rights Council, the HRS widely disseminated the recommendations issued from the UPR and maintained a close working relationship with the newly created interministerial committee for the preparation of the addendum to be submitted to the Human Rights Council in early 2012.

Responsiveness of the international community (EA 10)

The HRS advocated for, and provided substantive support to, the visits of the Deputy High Commissioner, three visits by the Independent
Expert on Haiti, and one working visit to Haiti by the Independent Expert on the right to adequate housing. Each of these visits resulted in recommendations and reports presented to the Human Rights Council. They also provided opportunities to raise human rights issues in Haiti at the highest levels and keep Member States informed of the human rights situation.

Human rights mainstreaming within the United Nations (EA 11)

- As a result of the awareness-raising efforts on protection and forced evictions undertaken by the HRS and the Protection Cluster, the United Nations Police (UNPOL) developed internal guidelines that clarified its personnel would not provide any support to the national police in carrying out forced evictions and outlined the steps that must be followed in cases of alleged or threatened eviction.

- The HRS actively participated in the preparation of the joint MINUSTAH and UNCT Integrated Strategic Framework for 2012 and contributed 13 new human rights indicators. The HRS also substantively contributed to the Rule of Law Contract between the UN and the Government which established the human rights priorities.

Challenges and lessons learned

The year 2011 saw numerous challenges for the HRS. The absence of sitting Ministers until September, especially the Minister of Justice, was a major constraint. The cholera epidemic added to the humanitarian and human rights crises with which the HRS was confronted under its Protection Cluster and human rights mandates, including fear of, violence and discrimination against those associated with cholera.

Despite the different challenges faced by the HRS, including in relation to resources, a revised strategy and revisions to the HRS structure and methodology enabled the HRS to vastly improve its programme implementation and fund disbursement rates. The HRS maximized resources by focusing on emblematic instances of human rights concerns across a wide range of issues, including the response of law enforcement and justice to sexual and gender-based violence, human rights and detention and the right to adequate housing, in addition to sustained action on issues like police violence and support to the OPC. In the context of humanitarian transition, the HRS found that its strategy of community-level approaches to protection throughout 2011 served as an excellent basis for transition to local authorities at the end of the year.

Human Rights Advisers to UN Country Teams

Ecuador

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<td>Staff as of 31 December 2011</td>
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Background

In 2011, the current Government completed its fifth year in office, during which it achieved progress and faced ongoing challenges. Social investment and protection programmes increased and several national and international socioeconomic research institutions reported a reduction in poverty rates. For instance, the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) highlighted Ecuador as one of five countries that experienced a significant decline in poverty rates between 2002 and 2011 (poverty from 49 per cent to 37.1 per cent and indigence from 19.4 per cent to 14.2 per cent). Other governmental initiatives have, however, generated opposition from various social sectors, including in relation to: the Government’s use of natural resources which indigenous groups identify as a violation of their collective rights; confrontations and judicial actions against press agencies and journalists; and the development of controversial laws on communication, water and mining. Despite constitutional guarantees, racism and discrimination against indigenous peoples and Afro-descendants persist, affecting the enjoyment of their rights. Citizen insecurity is also an important concern. Ecuador is a member of the Human Rights Council, has ratified all nine of the international human rights treaties and their Optional Protocols and issued a standing invitation to the Council’s special procedures. Ecuador has also recognized the jurisdiction of the Inter-American Commission and the Inter-American Court of Human Rights.

In 2007, a Human Rights Adviser was deployed to Ecuador to support the strengthening of the judiciary and advise the United Nations Country Team (UNCT) on human rights-based programming. Advice has included the need to integrate a human rights-based approach into public policies and support for compliance with international human rights standards by key institutions in the form of the establishment of a human rights indicator system to monitor Ecuador’s compliance with its human rights obligations. In addition, the Human Rights Adviser fostered initiatives aimed at increasing compliance with recommendations issued by the Universal Periodic Review (UPR), treaty bodies and special procedures.
Results

National laws, policies and institutions (EA 1)

Target: The level of compliance of policy with international human rights standards, particularly through the adoption of a human rights-based approach has significantly improved in one area, i.e., water and sanitation.

On 20 July 2011, Ecuador adopted a guide on the formulation of human rights-based sector-specific public policies through a ministerial decree. The guide was developed by the National Secretariat of Development and Planning with the technical assistance of the Human Rights Adviser and is a groundbreaking document which adopts a human rights-based approach to planning as a mandatory methodology for all branches and departments of the Executive. It also makes operational the equality agendas enshrined in the Constitution (migration, gender, age, disability and multiculturalism). Furthermore, it establishes the mandatory and systematic use of the recommendations of international and regional human rights mechanisms in the diagnosis and formulation of public policies. The level of compliance of sector-specific policies with human rights standards is expected to progressively improve with the implementation of the guide.

Target: The level of compliance of policy in the areas of citizen security, detention and use of force has significantly improved.

In 2010, guidelines and a policy on detention and the use of force and firearms were adopted by the Ministry of Interior through a ministerial decree. In 2011, the National Police initiated the process to expand such standards into more detailed regulations applicable to the police. The Human Rights Adviser provided technical advice to the elaboration and revision of the guidelines.

Target: The national human rights institution (NHRI) works in conformity with the Paris Principles in the areas of appointment and the implementation of functions to a substantial extent.

The new Ombudsman (Defensor del Pueblo) was appointed at the end of 2011. The Human Rights Adviser provided technical advice and training to the Council of Citizen Participation for the appointment of the new Ombudsman to carry out this process according to the Paris Principles.

Target: The level of compliance of legislation with international human rights standards has significantly improved in one area, i.e., indigenous justice.

As of the end of 2011, the National Assembly had not yet adopted the law on harmonization/cooperation between indigenous and ordinary justice. At the end of December 2011, a National Assembly Commission submitted a bill to the plenary of the Assembly for a first debate. The bill largely complies with international human rights standards regarding collective rights. The Human Rights Adviser provided technical advice to the Commission, reviewed the bill and facilitated the participation of the Special Rapporteur on indigenous issues in the process.

Target: A significant level of institutionalized training in human rights has been established in one area, i.e., the collective rights of indigenous peoples and Afro-Ecuadorians, for police, the armed forces, national human rights institutions and the judiciary.

By the end of 2011, the content of the training modules on collective rights was finalized and initially approved by the Government. While the modules have not yet been fully institutionalized, preliminary agreements have been reached on their implementation with the armed forces, the police and NHRIs. The Human Rights Adviser, in coordination with relevant stakeholders, developed the content of the modules and is preparing an implementation strategy to be rolled out in 2012.

State engagement with human rights mechanisms (EA 6)

Target: Increased compliance and engagement by Ecuador with UPR reporting and implementation of recommendations.

Upon a request from the Ministry of Foreign Affairs and the Ministry of Justice, Human Rights and Cults, the Human Rights Adviser provided technical support for the drafting process of Ecuador’s report to the second cycle of the UPR. The Adviser also facilitated the participation of the UNCT and civil society organizations in the process. In addition, UPR recommendations from the first cycle were published and widely distributed to State institutions, civil society and the UNCT.

Civil society engagement with human rights mechanisms (EA 7)

Target: Three civil society organizations have submitted substantive documentation/information to treaty bodies, special procedures, and the UPR.

Nineteen civil society organizations submitted documents to special procedures and the UPR process. The Human Rights Adviser ensured that civil society organizations were informed about the schedule for presenting reports to the treaty bodies, provided advice on the process to submit communications to special procedures and encouraged them to submit information to the second cycle of the UPR.
Challenges and lessons learned

The 2008 Constitution of Ecuador recognizes the right of indigenous peoples to impart their own normative systems. The competences of the indigenous and ordinary systems, however, are not clearly defined or differentiated from each other, leading to institutional and social conflicts. The National Assembly is currently debating a draft law on coordination and cooperation between the two systems which has brought to light the different positions held by legislators, indigenous leaders and academics. There is a general perception that indigenous justice is a violent and non-legal way of imparting justice, due in part to misinformation generated by the media about indigenous justice practices. The Commission of Justice and State Structure of the National Assembly organized a series of meetings to debate key aspects of the draft law with indigenous leaders and academics. The participation of the Special Rapporteur on the rights of indigenous peoples was crucial in the provision of human rights guidance during the debate. The Human Rights Adviser facilitated the participation of the Special Rapporteur in an interactive videoconference with members of the National Assembly during which he presented his observations and recommendations concerning the draft law on Coordination and Cooperation between Indigenous and Ordinary Justice Systems. In December 2011, the Commission submitted a first report of the draft law. Compared to the initial version, the current draft largely represents the demands of indigenous leaders and academics and reflects the guidelines provided by the Special Rapporteur. Despite the fact that a visit of the Special Rapporteur was not possible, his participation through the videoconference enabled him to provide his feedback on the draft law.

Honduras

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Background

In 2011, the Government of Honduras took positive steps in enhancing the protection of human rights, including by creating the State Secretariats for Justice and Human Rights and Development of Indigenous Peoples and Afro-descendants. It also established the National Torture Preventive Mechanism (NPM). A standing invitation was sent to the special procedures. Preparatory work began in 2011 to elaborate a national human rights plan that is expected to be approved in 2012. Despite these developments, allegations of human rights abuses continue and evidence has arisen regarding the involvement of police agents in summary and extrajudicial executions and organized crime activities. As a consequence, the Government has dismissed a number of high-ranking police officers and expressed its decision to undertake comprehensive police reform. Impunity persists in the killing of journalists, women, young people, street children and members of the lesbian, gay, bisexual, transgender (LGBT) community. Violence against women is increasing at an alarming rate. The National Congress has adopted a constitutional amendment allowing the armed forces to have a broader role in public order enforcement activities. Within the context of widespread impunity, no State official has been held responsible for serious human rights violations committed under the de facto Government in 2009. Furthermore, no significant reforms have been adopted, despite specific human rights recommendations made in the report of the Truth and Reconciliation Commission. The Government is facing a variety of social conflicts that are related to access to, and use of, the land and other natural resources, such as in the Bajo Aguan Valley.

The Human Rights Adviser provides technical advice and assistance to the UN Resident Coordinator and the United Nations Country Team (UNCT) to promote a human rights-based approach in UN programmes and activities. The Human Rights Adviser also provides assistance for the strengthening of the national human rights protection system and promotes increased compliance with international human rights standards and recommendations made by human rights bodies and mechanisms. Finally, the Human Rights Adviser provides technical advice to civil society actors with a particular focus on the situation of women, indigenous peoples, Afro-descendants and LGBT groups to reinforce their abilities to engage with national and international human rights bodies and mechanisms.

Results

National laws, policies and institutions (EA 1)

- **Target:** One institution (National Preventive Mechanism) has significantly improved its compliance with international human rights standards.

Supported by technical assistance provided by OHCHR, the NPM approved a strategic plan which significantly improved its compliance with international human rights standards.
Implementation of this plan is ongoing and some key goals have already been reached, such as the December 2011 publication of a report on the status quo of the penitentiary system in Honduras. The Human Rights Adviser was also key in advocating before the Government of Honduras, in coordination with the Subcommittee on Prevention of Torture, to ensure that the National Preventive Mechanism was equipped with appropriate resources to fulfil its mandate.

Expected accomplishment: Increased compliance of national legislation with the international human rights standards in the areas of gun control, the penitentiary system and the judiciary.

In 2011, the National Congress of Honduras adopted new legislation on issues related to judicial governance and judicial careers. The Human Rights Adviser advocated for compliance of this legislation with international human rights principles on independence and impartiality applicable to the administration of justice by: organizing a seminar with international experts; participating at a plenary session on the issue at the National Congress of Honduras; and publishing a book on the above-mentioned international principles. While the legislation is positive and largely in compliance with internationally recognized human rights standards, the continuing presence of the president of the Supreme Court within the Council of the Judiciary potentially jeopardizes the independence of the Council as its functions relate to the supervision and administration of the judicial sector.

Civil society engagement with human rights mechanisms (EA 7)

Target: Nine civil society organizations submit substantive documents to the international mechanisms.

An increased number of civil society organizations (eight) made use of international human rights mechanisms, particularly to raise issues concerning threats against human rights defenders. More specifically, six communications were submitted to the Special Rapporteurs on the situation of human rights defenders; on extrajudicial, summary or arbitrary executions; and on torture. In some of these cases, special procedures mandate-holders sent communications to the State of Honduras to address the issues raised by the civil society organizations. The Human Rights Adviser conducted a series of training activities and disseminated relevant material in 2011 to reinforce the capacities of civil society organizations to engage with international human rights mechanisms.
Human rights mainstreaming within the United Nations (EA 11)


Honduras’ UNDAF for 2012-2016, approved in March 2011, includes key human rights considerations, such as references to observations issued by UN human rights mechanisms and Universal Periodic Review commitments. The adoption of the National Plan on Human Rights and the strengthening of non-governmental organizations that act on behalf of indigenous and Afro-descendant peoples have been integrated as UNDAF goals. The Human Rights Adviser participated in the coordination group which developed the UNDAF. In doing so, he provided advice to UN agencies on international human rights standards and recommendations issued by the international human rights mechanisms in relation to Honduras.

Challenges and lessons learned

Honduras’ National Preventive Mechanism was established in 2010, but due to limited resources allocated to it, the NPM has been seriously restricted in the exercise of its mandate. The advocacy efforts of the Human Rights Adviser before the Government and the international community led to an increase in the availability of funds, particularly from international donors which enabled it to take concrete steps in approving a strategic plan that is compliant with international human rights standards. This experience demonstrates the added value of OHCHR’s presence in the country, particularly in situations where it can effectively coordinate support from international donors and raise the awareness of the Government about critical human rights issues.

Paraguay

Year established 2010
Staff as of 31 December 2011 3

Background

From 1954 to 1989, Paraguay endured one of the longest dictatorships of the 20th century, during which serious human rights violations took place. In 1992, a new Constitution was adopted establishing a democratic Government, recognizing a detailed series of fundamental rights, granting supremacy to ratified international treaties and enshrining legal guarantees, such as habeas corpus, amparo and habeas data. The current Government has shown a commitment and openness to human rights issues and asked for international cooperation, particularly from OHCHR, to assist it in making the necessary reforms and implementing programmes to overcome the many human rights challenges that are faced by the country. Despite the Government’s commitment and efforts, the population in Paraguay is still experiencing difficulties in the full enjoyment of their rights and many practices that characterized the authoritarian period, such as impunity, widespread corruption, weak institutional capacity and a solid patronage system, continue to be obstacles to the consolidation of democracy.

OHCHR’s previous engagement with Paraguay was limited to a number of technical cooperation projects with selected Government bodies and the United Nations Country Team (UNCT). The Human Rights Adviser was deployed to Paraguay in September 2010. In 2011, the Adviser’s three main areas of work included the provision of: 1) support for the elaboration and adoption of the National Human Rights Action Plan; 2) support for the revision process of the draft National Plan on Human Rights Education; and 3) assistance in the implementation of and follow-up to recommendations issued by the Universal Periodic Review (UPR) and other international human rights mechanisms.

Results

National laws, policies and institutions (EA 1)

Target: Increased compliance of policy and legislation with international human rights standards in the areas of human rights (National Human Rights Action Plan), human rights education (National Plan on Human Rights Education and cultural rights) and torture (adoption and implementation of a law establishing the National Preventive Mechanism and amendment to the definition of torture).

The National Human Rights Action Plan, presented in December 2011, was prepared following a participatory process with the active involvement of State institutions, universities and civil society organizations (CSOs). The plan incorporates recommendations from UN human rights mechanisms. Its overall goal is to enhance harmonization between State institutions working on human rights issues and ensure compliance of public policies with human rights standards. The Human Rights Adviser provided technical support for the elaboration of the plan. A new version of the National Plan on Human Rights Education was drafted and is under revision. Its formal approval and adoption is anticipated in
2012. The drafting process was conducted in a participatory manner and included the active involvement of representatives from different directorates within the Ministry of Education and consultations with key actors, such as teachers, students, principals, supervisors, parents, experts and CSOs. The Plan complies with the recommendations from the first and second phases of the World Programme for Human Rights Education, the Vienna Declaration and Programme of Action and OHCHR guidelines. OHCHR provided technical support and training for the revision of the Plan and formulated recommendations, in compliance with international standards, that were integrated in the document.

Congress adopted a law that approves the establishment of a National Preventive Mechanism in compliance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). It is also considering the harmonization of the definition of torture with international standards. To advocate for adoption of the draft law, the Human Rights Adviser disseminated the recommendations addressed to Paraguay by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) as well as the international standards on torture through the distribution of publications related to the Convention against Torture and the OP-CAT. She also organized a seminar in Congress with the Human Rights Network of the Executive Branch, institutions involved in the implementation of the SPT recommendations and CODEHUPY (a national network of non-governmental organizations (NGOs)). The Vice-President of the SPT also provided support to the seminar and highlighted good practices in the region.

State engagement with human rights mechanisms (EA 6)

▶ Target not achievable within the biennium: Progress towards the implementation of selected outstanding recommendations. OHCHR increased the awareness of authorities on follow-up to international human rights recommendations and the knowledge of civil society, the media and representatives of academia on the monitoring of Paraguay’s implementation of its international obligations. This was supported by OHCHR through, inter alia, specialized training, as well as the establishment of a searchable internet portal which compiles the international recommendations issued by international human rights mechanisms in relation to Paraguay. General public awareness was also increased through the dissemination of information, particularly in the areas of torture and the rights of indigenous peoples.

▶ Target: 100 per cent of reports submitted by Paraguay (under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and UPR) in conformity with reporting guidelines. The State’s report to the CESCR Committee was submitted on time and in compliance with the reporting guidelines. OHCHR supported the positive involvement of different actors which included a consultation session with civil society organizations. The Human Rights Adviser provided technical advice and carried out training activities on the reporting guidelines of treaty bodies. The UPR national report was presented to the Human Rights Council in February 2011. The Human Rights Adviser supported the Government in the elaboration of the report, in particular, by organizing a workshop to share regional experiences with MERCOSUR countries. The UNCT was invited to participate in order to facilitate the involvement of UN programmes and agencies. A number of materials, including documents and a DVD on the UPR session on Paraguay, were prepared and issued by the Human Rights Adviser to promote follow-up to UPR recommendations.

Civil society engagement with human rights mechanisms (EA 7)

▶ Target: Two substantive documents submitted to treaty bodies (the Committee on the Elimination of Racial Discrimination (CERD) and the Human Rights Council (UPR)). A total of 45 substantive documents were submitted to treaty bodies (10); special procedures (22); and the Human Rights Council (13). The documents were submitted by the
national human rights institution, the Defensoría del Pueblo, (one); civil society organizations (36); and individuals (eight). As a further demonstration of the use of international human rights mechanisms by NGOs, recommendations from the Committee on the Elimination of Discrimination against Women (CEDAW) and the UPR were included in the National Human Rights Action Plan, on their request. OHCHR developed training modules to increase the knowledge and capacity of civil society organizations to prepare documents and reports to human rights mechanisms; advocated for the participation of NGOs in the reporting processes of the treaty bodies; and used country visits by Special Rapporteurs to increase civil society organizations’ knowledge of, and direct contact with, special procedures.

Human rights mainstreaming within the United Nations (EA 11)

Target: The UN guidelines on incorporating rights-based approaches have been used in the UN policy on indigenous peoples living in voluntary isolation and by the UNDP programme on strengthening the Social Secretariat to a partial extent.

The Human Rights Adviser participated in the preparation and delivery of a presentation at a workshop convened by UNDP on indigenous peoples in voluntary isolation. UNDP was also actively involved in several human rights events carried out by the Human Rights Adviser, such as supporting the visits of the Special Rapporteurs on freedom of religion and on extreme poverty and human rights. This collaboration allowed for an exchange of ideas on how to better integrate a human rights-based approach into programmes and projects, including a project on agrarian reform prepared by UNDP.

Challenges and lessons learned

Paraguay is a country with great potential to advance the protection of human rights. Despite the Government’s efforts and the active engagement of civil society organizations, the country suffers from structural problems and practices, as well as weak institutional capacities, which in turn impinge on the possibility of achieving significant results. Due to these limitations, OHCHR decided to focus its strategic contribution on strengthening the Human Rights Executive Network and elaborating the National Human Rights Action Plan and the National Plan on Human Rights Education in a participatory manner. Its objective was to obtain important results in the area of human rights, while also helping different actors to work together. As an example of a lesson learned, this participatory process, which resulted in agreements from a plurality and diversity of sectors, confirmed the importance of fostering and strengthening spaces of dialogue and articulation that are needed for the exchange of different perspectives in order to overcome difficulties faced in the process.

In 2011, the Human Rights Adviser and her team carried out a number of activities to promote a human rights culture in Paraguay. One of the activities was a photo contest entitled “It’s time to live our rights,” inspired by the Universal Declaration of Human Rights. The 12 selected photographs in three categories (children and adolescents, professional and non-professional) will be published and disseminated through UN and Government documents, printed materials and multimedia tools. The winning photo from the children and adolescent’s category was taken by a 13 year-old girl who lives in a shelter home. Thanks to this event, which was attended by the Director of a well-known photography institute in Paraguay, the girl received a full scholarship to study professional photography at the institute. This shows one of the ways that the work of OHCHR and approaching human rights from different perspectives can create positive changes in the lives of people.
In 2011, OHCHR maintained eight field presences in Asia and the Pacific, including: two regional offices (Bangkok, Suva), two components in peace missions (Afghanistan, Timor-Leste), two country offices (Nepal, Cambodia) and two human rights advisers (Papua New Guinea and Sri Lanka). The mandate in Nepal was ended by the Government in December 2011.

Apart from some ongoing long-standing conflicts, most parts of the region witnessed a trend towards democratization and consolidation of post-conflict transitions, although impunity continued to be
problematic in several countries. In other parts of the region, enjoyment of freedoms of expression, assembly and association and land rights-related issues remained challenging.

Throughout 2011, much attention was paid to accountability issues in several countries, in particular Afghanistan, Cambodia, Nepal, Sri Lanka and Timor-Leste. Discrimination was another thematic focus with important work undertaken by several OHCHR field presences on women and caste as well as persons with disabilities. The Human Rights Office of the United Nations Assistance Mission in Afghanistan (UNAMA) maintained its focus on the protection of civilians, while the Human Rights Component of the UN peace mission in Timor-Leste assisted in capacity-building for security forces with a view to strengthening accountability. Several field presences, including both regional offices, worked on combating torture and ill-treatment while initiatives in Afghanistan, Nepal, the Pacific, Papua New Guinea and Timor-Leste aimed at reducing violence against women. In terms of economic, social and cultural rights, OHCHR sought to address land-related issues in Cambodia, Nepal, the Pacific, Papua New Guinea and Timor-Leste.

At the regional level, the first regional human rights mechanisms have emerged in the context of the Association of Southeast Asian Nations (ASEAN). In parallel, discussions about developing a human rights agenda have begun in the South Asian Association for Regional Cooperation (SAARC) and the Pacific Islands Forum Secretariat (PIFS).

The rate of ratifications of international treaties in the region is slowly improving, thanks partly to the impetus created by the UPR. Overall, the UPR has proven to be a useful tool, especially for the two regional offices in South-East Asia and the Pacific. Engagement with special procedures was inconsistent but increasing, with some countries receiving their first or multiple visits and several issuing new standing invitations. The year 2011 saw the creation by the Human Rights Council of a new special procedures mandate on Iran.

### Country Offices

#### Cambodia

<table>
<thead>
<tr>
<th>Year established</th>
<th>Staff as of 31 December 2011</th>
<th>Expenditure in 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>29</td>
<td>US$2,246,971</td>
</tr>
</tbody>
</table>

#### Background

The Kingdom of Cambodia remains one of the poorest countries in Asia, despite impressive economic growth and the significant international support it has received over the past decade. In 2011, the country suffered devastating flooding which resulted in hundreds of deaths, damage to infrastructure and a reduced harvest of cash crops. Domestically, rapid economic development continued to be accompanied by widespread disputes relating to land in urban and rural Cambodia. Forced evictions have at times resulted in violence and the use of criminal law against those protesting the loss of their houses and land. Criminal sanctions relating to freedom of expression continued during 2011 and a number of human rights defenders were jailed on charges of incitement to social disorder. Adoption of a controversial law on non-governmental organizations (NGOs) was postponed by the Government following the expression of widespread concerns. The country’s impressive human rights treaty ratification record also continued with the coming into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW) in January 2011 and the Government’s successful engagement in dialogue with the human rights treaty bodies on a number of periodic reports. Despite a number of challenges, the Extraordinary Chambers in the Courts of Cambodia (ECCC) was able to commence its second and largest trial late in 2011. In January 2012, the Government and OHCHR agreed to extend the mandate of OHCHR’s Country Office for an additional two-year period.

In responding to the contemporary human rights challenges in Cambodia, OHCHR continued to focus on prisons, the judiciary and police, land disputes and housing rights, freedoms of association, assembly and expression and supporting and protecting human rights defenders. It promoted the legacy of the ECCC, supported the Government in drafting legislation, treaty body reporting and follow-up to recommendations issued by the UN human rights mechanisms, while advocating and disseminating human rights information. In doing so, the Office has been able to work closely with line
Ministries, the (governmental) Cambodian Human Rights Committee, the United Nations Country Team (UNCT), civil society and donors.

**Results**

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

- The Law on Prisons was adopted in December 2011. While it did not include all comments made by OHCHR to make it compliant with international human rights law, it is nevertheless an improvement on the previous legal framework. Many provisions in the Law are now clearer and more progressive. In particular, it includes: a strong emphasis on rehabilitation; the requirement for separation of the different categories of prisoners; greater attention paid to the needs of women and children; the inclusion of minimum design standards for prison construction to ensure basic conditions; an absolute prohibition against torture and other cruel, inhuman and degrading treatment and punishment; additional safeguards against arbitrary detention; and clear reference to the broader Cambodian legal framework.

Nevertheless, the Law could have gone further to guarantee the rights of persons in detention and OHCHR will continue to raise these concerns as the secondary legislation and administrative procedures are developed to implement the Law.

- Efforts undertaken by the Office to enhance the effectiveness of Cambodian courts has largely remained at the level of awareness-raising and resulted in limited changes to the process of the administration of justice over a 12-month period. Engagement with the Prosecutor General of the Court of Appeal was positive with the latter showing strong support for human rights principles in his meetings with police and prosecutors in provincial courts, including by publicly asserting the need to comply with human rights principles in the administration of justice. Although the independence and impartiality of the courts is guaranteed under the Cambodian Constitution, there is still no proper procedure to safeguard this right or formal process through which judges who are reprimanded by Government authorities can appeal such determinations.

- In 2011, the Cambodian Government issued its third and fourth iterations of the draft law on associations and non-governmental organizations. Despite maintaining the position that an NGO law was unnecessary, OHCHR-Cambodia provided its comments on successive drafts to the Ministries of Interior and of Foreign Affairs to ensure that human rights were respected. These comments focused on strengthening the human rights protections contained in the drafts and limiting the negative impact of the law on freedoms of expression, association and assembly. In addition to assisting the Government, the Office stressed the importance of ensuring a wide and meaningful consultation with civil society actors prior to the law’s enactment. The Government convened various consultations on the successive drafts to supplement meetings organized by civil society actors. Further consultations with civil society are planned for 2012; a welcome sign of the Government’s willingness to take into account civil society’s concerns.
Ratification (EA 2)

According to the Government, ratification of the Convention on the Rights of Persons with Disabilities is imminent and should take place in early 2012. OHCHR has consistently advocated for this ratification.

Justice and accountability mechanisms (EA 3)

The ECCC continued to provide an important example of fair trial rights in action during 2011 by opening proceedings on 17 July of the case of the Prosecutor v Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith. (The accused Ieng Thirith was subsequently declared unfit to stand trial in November). The high profile of the ECCC’s proceedings provides an important avenue for public discussion about the proper administration of justice in Cambodia. OHCHR engaged in a number of activities aimed at maximizing the opportunity created by the Court to promote human rights, including through: a variety of trainings, public lectures and the facilitation of efforts by civil society to ensure the lessons learned from the ECCC inform domestic practice; and, together with the East-West Management Institute and the United Kingdom Embassy, the creation of an Annotated Code of Criminal Procedure based on the jurisprudence of the ECCC.

Access to justice and basic services (EA 4)

OHCHR financially and technically supported the process to allow registration of communal title by seven villages of Phnong indigenous peoples in the Mondulkiri Province. Working closely with NGO partners, the Office assisted them in processing their claims with the Ministries of Interior and Rural Development. The Bousra Mondulkiri project on indigenous peoples involves 3,741 people.

Participation (EA 5)

With publicly available information about the work of the Cambodian lower courts located outside the capital and its surrounds, the Cambodian Centre for Human Rights (CCHR), the primary NGO monitoring the extent to which Cambodian courts comply with fair trial standards, monitored the provincial courts in Ratanakiri and Banteay Meanchey (in addition to Phnom Penh and Kandal), with financial support from OHCHR. A large number of cases related to land and indigenous rights (Ratanakiri) as well as human trafficking (Banteay Meanchey) were monitored along with 585 criminal trials involving 1,029 accused persons in Phnom Penh and Kandal provinces. The results were mixed: all of the accused had access to a lawyer; public notice of trials improved vastly; and there were very few instances in which judges showed a lack of understanding of the presumption of innocence. Nonetheless, a majority of charged persons are still being placed in pre-trial detention (80 per cent); legal representation was greatly lacking in misdemeanour cases (62 per cent of cases without legal representation) and judges continued to use their mobile phones in the courtroom in a significant number of cases (22 per cent). In all three types of cases, however, there has been a decrease in the number of cases in which these violations have occurred since CCHR began producing monitoring reports in 2010.

In 2011, in addition to financially supporting the delivery of legal aid services in prison, the Office continued to promote and facilitate further involvement of civil society organizations in prison reform work. This included work in areas as varied as sustainable farming in prison (NGO CEDAC), prisoner literacy (NGO SIPAR) and training of prison officials (NGO VBNK). Support to prison farming by CEDAC yielded positive results in the concerned prisons, including enhanced capacities of staff and prisoners, improved production techniques (in particular integrated farming) and increased yields which led to higher income-generation by prisons and benefited the rations of prisoners. The Office supported SIPAR in its partnership with the General Department of Prisons to improve literacy, education and rehabilitation opportunities through the establishment of libraries in four prisons and sponsored their application to roll out this work across the country in the coming years. The Office has been working closely with VBNK as part of OHCHR’s support to the development of professional training for prison staff and to build the capacity of the Core Team of prison trainers from the General Department of Prisons and the Royal Police Academy of Cambodia. In 2011, two trainings-of-trainers of one week each were held. A final training will be held in 2012 following coaching sessions with each trainee.

State engagement with human rights mechanisms (EA 6)

Following an eight-month training course provided by OHCHR for Government officials on the obligations under the International Covenant on Civil and Political Rights (ICCPR), the Government’s overdue second periodic report has been finalized and will be submitted to the Human Rights Committee in early 2012. OHCHR has encouraged the Government to submit all overdue reports. Meanwhile, the Office provided briefings and trainings for members of delegations travelling to Geneva for dialogues with the treaty bodies in relation to the CRC (in collaboration with UNICEF) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and to participate in post-dialogue de-briefing sessions for key ministries. OHCHR also worked with the Government to organize civil society consultations on UPR follow-up and facilitated a division of responsibility for various recommendations across Government.

Civil society engagement with human rights mechanisms (EA 7)

With the entry into force of the OP-CEDAW in January 2011, OHCHR and UN Women immediately conducted trainings for communities, the Government and UN actors regarding the Protocol and how to submit individual communications and requests for inquiries. To date, no cases have been submitted.

Responsiveness of the international community (EA 10)

Coordination with development partners on human rights issues continued to be strengthened in 2011. OHCHR primarily obtained support for adopting a rights-based approach to assistance from the key legal and judicial reform donors in Cambodia. This was particularly so in relation to European donors who have established an informal human rights working group that meets to discuss key issues of concern and often consults with OHCHR prior to reporting to their head offices. Similarly, coordination remained strong between the Office, USAID and AusAID.

Human rights mainstreaming within the United Nations (EA 11)

More cooperation between UN agencies in Cambodia took place in 2011 through jointly organized trainings, events and consultation processes. OHCHR actively coordinated with UN Women to publicize the Government’s ratification of the OP-CEDAW by jointly conducting training sessions and developing a leaflet on procedures in communicating complaints to the Committee. In May 2011, UNESCO and OHCHR, along with local media groups, organized the World Press Freedom Day which was attended by media practitioners and communications students. OHCHR also worked with the UNCT to integrate human rights into the monitoring of the United Nations Development Assistance Framework (UNDAF), in particular in relation to preparations for the annual Government-UN review of progress under the governance pillar of the UNDAF.

Challenges and lessons learned

Although the Royal Government of Cambodia pays significant attention to its obligations emanating from the UN human rights mechanisms, the large number of recommendations presents a daunting task in terms of implementation and national follow-up. To simplify the task, and with a view to ensuring equal attention to all rights, OHCHR encouraged the Government to adopt a comprehensive follow-up strategy that groups recommendations from all mechanisms by theme.

While Cambodia benefits from an extensive and vibrant civil society sector, dialogue between the Government and civil society (particularly on human rights-related issues) has diminished in recent years, resulting in few efforts to find common solutions to problems. This situation has created a challenge for all actors working on human rights issues in the country. OHCHR has attempted to foster dialogue between Government officials and members of civil society. In collaboration with the Cambodian Human Rights Committee, the Office brought together a broad section of civil society and representatives of 13 ministries to discuss the implementation of
Cambodia’s UPR recommendations – the first time a meeting of this type has been held in a number of years. Similar efforts are planned for the provincial level in 2012.

As reported in 2010, the increasing limitations on freedom of expression in the country have created a significant challenge for civil society, human rights defenders, the United Nations and ordinary Cambodians engaged in advocacy on human rights. As part of its response, OHCHR provided the Government and National Assembly with expert advice on pieces of draft legislation that potentially undermine individual freedoms of expression, assembly and association.

Cambodia: Expenditure in 2011

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<th></th>
<th>Regular budget expenditure in US$</th>
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<td>GRAND TOTAL</td>
<td>1,358,057</td>
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</table>

Nepal

Year established | 2005
Staff as of 31 December 2011 | 103
Expenditure in 2011 | US$4,989,748

Background

Progress was made in the promotion and protection of human rights during 2011 in Nepal, including through the passage of the new Untouchability Law and the Government’s active participation in the Universal Periodic Review (UPR). Elements of the peace process were also advanced, including in relation to the categorization of former Maoist combatants for reintegration into the Nepal army or rehabilitation. The tenure of the Constituent Assembly was, however, extended three times during the year following its failure to finalize a new constitution. Impunity persisted in relation to both conflict-related and post-conflict human rights violations, undermining the rule of law and public trust in governance. The Government took several regressive steps in this regard, including by seeking pardons for persons convicted of serious crimes and appointing such individuals to ministerial positions. Of particular concern were proposals in late 2011 that the bills to establish two transitional justice mechanisms could provide for broad amnesties in relation to serious violations of international human rights law. Against this backdrop, the role of the Supreme Court was noteworthy as it delivered some commendable decisions upholding the rule of law and reinforcing accountability.

Following the closure of its field offices in 2010, OHCHR-Nepal consolidated its presence in Kathmandu during 2011. Through frequent field missions, numbering over 150 during the year, the Office maintained its links with partners and continued monitoring the general human rights situation at the district level. At the same time, the Office placed special emphasis on strengthening the national human rights protection system, engaging in capacity-building for, and joint activities with, Government partners, national human rights institutions (NHRIs) and civil society organizations (CSOs).

In June, the mandate of OHCHR-Nepal was renewed for six months until 8 December, despite the High Commissioner’s request for an extension of two years. At the request of the Government, OHCHR-Nepal submitted an exit strategy, developed in close consultation with key stakeholders, proposing its engagement in Nepal until the end of 2012 when the promulgation of the new Constitution and the successful holding of parliamentary elections are expected to be completed. Despite strong support for the Office’s continuing presence in the country from NHRIs, civil society, major political parties and the international community, the Government of Nepal decided on 7 December not to renew the OHCHR-Nepal’s Country Office mandate to continue operations in the country. As a result, OHCHR-Nepal proceeded to finalize its activities and close its operations by the end of March 2012. OHCHR is in dialogue with the Government on alternative modalities for future engagement and support.

Results

National laws, policies and institutions (EA 1)

- The Constituent Assembly has yet to produce the first consolidated draft of the new Constitution. The draft texts currently under consideration contain a number of important provisions, including comprehensive non-discrimination
clauses and guarantees of economic, social and cultural rights and rights of minorities and marginalized groups. The proposed provisions, however, fail to protect some basic rights, such as the right to equality - especially in the context of citizenship - and the rights of non-citizens. In addition, there is a proposal to provide for the granting of pardons, thus creating space for impunity for serious crimes and human rights violations. OHCHR-Nepal contributed significantly to the human rights discourse within and outside the Constituent Assembly and generated growing consensus among Assembly members concerning the independence of the judiciary and justiciability of economic, social and cultural rights. The Office undertook a review of constitutional proposals pertaining to human rights, drawing upon comparative constitutional experiences and engaged with Assembly members at different levels, including through national partners. OHCHR also strengthened its collaboration with a number of professional and human rights organizations, such as the Nepal Bar Association, including by jointly hosting a number of interactive programmes on contentious issues.

In their advocacy to ensure that the Constitution of Nepal reflects equal rights for women, the National Women Commission (NWC) and OHCHR published a joint paper on equal citizenship rights for women which analysed proposed citizenship provisions in light of Nepal’s obligations under national and international law. By sharing international best practices, the paper proposed amendments to bring the provisions in line with international human rights standards and best practices and has been the basis for further advocacy in the constitution-drafting process.

The continued engagement of OHCHR on the ground with different stakeholders, including law enforcement authorities, political parties and their youth wings, on issues related to the rights and responsibilities of both rights-holders and duty-bearers, has led to improvement in the conduct of police in their responses to political protests and other mass activities and in relation to protest organizers. In addition, during its field missions across the country to monitor the general human rights situation, OHCHR was able to preventively engage with State authorities and organizers of demonstrations, including at times of heightened tension. Actors from both the State and civil society acknowledged that the presence of the Office in these circumstances had a positive impact. Nevertheless, in a few instances, security forces were found to have used excessive force in responding to demonstrations and arrested members of groups prior to protests without legitimate cause.

The identification and publication of indicators to monitor economic, social and cultural rights, facilitated by OHCHR-Nepal, greatly enhanced the Government’s human rights-based approach in national planning and programming on poverty reduction. Launched in September 2011, these indicators are the first to replicate OHCHR’s global initiatives to promote the use of human rights indicators to monitor the implementation of international human rights commitments at the national level. The published indicators are tailored to the Nepali context and are intended to assist national stakeholders in monitoring the status of the rights to adequate food, housing, health, education and work in Nepal. To ensure that the indicators are effectively used by NHRI s and civil society in engaging with the Government...
for the promotion and protection of economic, social and cultural rights, the Office has conducted several training sessions on the use of these indicators in different regions of Nepal.

- The Ministry of Land Reform and Management finalized the draft bill for the protection and rehabilitation of freed Haliyas (persons engaged in a form of ancestral agriculture debt-bonded labour practiced in the hill districts of Nepal’s Mid- and Far-Western regions). OHCHR-Nepal provided technical assistance on compliance with international human rights standards.

- The Government initiated the drafting of a bill on witness and victim protection. OHCHR-Nepal contributed to increasing awareness of this need through continuous advocacy and capacity-building activities that were based on the outcome of a 2010 regional event which recommended the enactment of comprehensive legislation. The Office organized a series of consultations on witness protection and helped coordinate inputs to the draft law with civil society organizations and other stakeholders. OHCHR-Nepal also made a substantive contribution to this process by preparing guidelines for witness management, which were submitted to relevant Government agencies, and by-laws on victim and witness protection in relation to the transitional justice bills.

- In June 2011, the International Coordination Committee of National Human Rights Institutions reviewed the National Human Rights Commission (NHRC) and confirmed its “A” status accreditation on the condition of a further review after the adoption of the National Human Rights Commission Bill. The joint advocacy of OHCHR-Nepal and the NHRC facilitated public debate around the need to revise the NHRC Bill in conformity with the Paris Principles. This advocacy included the joint publication of an analysis of the Bill’s compliance with the Paris Principles and proposed amendments to ensure compliance. The analysis was widely circulated among key stakeholders, including parliamentarians. Significantly, during the UPR, the Government undertook commitments to pass the NHRC Bill. The Bill was passed in January 2012 and incorporated some of the issues raised in the advocacy campaign, however a number of areas of concern remain.

- OHCHR-Nepal also contributed to the capacity-building of the NHRC through a joint project with UNDP. In 2011, the project enabled the: training of NHRC staff; production of publications for human rights defenders, security forces and Government officials; and advocacy and consultations with stakeholders on thematic human rights issues. The project also supported a high-level panel discussion on case withdrawals for serious crimes as well as activities to mark important days such as the International Day in Support of Victims of Torture on 26 June 2011. Through the same project, the NHRC successfully coordinated the exhumation, by relevant State actors, of the remains of five people who were allegedly victims of disappearances during the conflict. The first four victims were exhumed in September 2010 and the remaining victim was exhumed in February 2011.

- Parliament passed the long-awaited Caste-based Discrimination and Untouchability Act in May 2011, following sustained advocacy by a variety of partners, including OHCHR, in collaboration with the National Dalit Commission and civil society. The Act prohibits caste-based discrimination and practices of untouchability and criminalizes the commission and incitement to commit such acts, in both the public and private spheres. Furthermore, the Law provides harsher penalties for public officials found guilty of such discrimination and requires perpetrators to provide compensation to victims. In September 2011, a 100-day campaign entitled “I commit to end caste discrimination and untouchability” was launched by the Office in cooperation with the National Dalit Commission to increase public awareness of the new Law. OHCHR-Nepal also supported the establishment and strengthening of local networks working to address caste-based discrimination in six districts across three regions of Nepal. These local networks have been instrumental in helping reduce the number of incidents of caste-based discrimination at the grassroots level and in supporting victims, including by facilitating their access to the criminal justice system. In December 2011, OHCHR-Nepal launched the public report entitled “Opening the Door to Equality: Access to Justice for Dalits in Nepal” providing a systematic analysis of the challenges faced by Dalits seeking justice. The report was based on information collected through OHCHR-Nepal’s monitoring and investigation of emblematic cases. The report serves as an important tool to promote reforms and change needed to ensure equal access to justice for all.3

- The draft Criminal Code was introduced into Parliament in June 2011 and included a provision to criminalize enforced disappearances. Unfortunately, both the draft Penal Code and the draft bill for the Commission of Inquiries of

Disappearances (which also criminalizes enforced disappearances) remain inconsistent with international standards, including in relation to the statute of limitations period for such offences. OHCHR-Nepal has been contributing to the improved compliance of these bills with international standards by providing analysis and assisting advocacy by legal professional groups, civil society organizations and victims’ groups.

Ratification (EA 2)

- Despite the 2006 parliamentary resolution directing the Government to accede to the Rome Statute of the International Criminal Court, the proposal for accession has yet to be presented before the Parliament. During its UPR in January 2011, the Government indicated it would consider ratifying the Rome Statute once legal and institutional infrastructures, including the draft Penal Code and sentencing bill, are in place.
- Despite advocacy by OHCHR, the Government has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

Justice and accountability mechanisms (EA 3)

- During 2011, some progress was achieved with regard to the legislation to establish two transitional justice mechanisms in Nepal, albeit more than six years after originally proposed. A legislative subcommittee was appointed to finalize the bills in May 2011 and OHCHR worked with committee members on substantive issues related to international law, standards and best practices. Progress was achieved in reaching consensus on some of the contentious issues. In November, following the seven-point agreement between parties where a commitment was made to pass transitional justice bills, an informal task force was appointed to finalize the bills at the political level. Subsequently, it has become apparent that provisions to allow for a broad amnesty, including for serious violations of international human rights law, could be included and that important provisions allowing the commissions to recommend prosecutions could be removed. The Office continues to advocate against a broad amnesty, calling for the respect of the right of victims to an effective remedy.
- Concerns exist relating to other elements of the proposed laws, including a clause to allow the Government to directly appoint the Secretary and other personnel, possibly undermining the Commissions’ independence and impartiality. The Office ensured the adoption of a victim-centred approach in the transitional justice process by organizing several consultations both at regional and national levels to facilitate discussion between victims and Parliamentarians.
- Accountability for human rights violations undermined during 2011 with a series of attempts by the Government to withdraw a large number of criminal cases and recommend pardons for, and the promotion of, several persons convicted of, or facing credible allegations of, serious crimes. In light of this trend, the Supreme Court played an increasingly important role in subjecting Government decisions to judicial review. OHCHR-Nepal contributed to this process, including by publishing a legal opinion stressing that regular criminal proceedings cannot be deferred because a transitional justice mechanism is envisaged. The content of this opinion was reflected in a Supreme Court order requiring the continued investigation and prosecution of such cases under the regular criminal procedure, irrespective of the establishment of the transitional justice mechanisms.

Access to justice and basic services (EA 4)

- During the Universal Periodic Review, the Government accepted most of the recommendations concerning the promotion and protection of women’s rights, many of which are related to commitments included in the National Action Plan on Gender-Based Violence that was adopted by the Prime Minister’s Office in November 2009. OHCHR-Nepal contributed to the implementation of the Action Plan and committed to improving access to justice for victims of sexual and gender-based violence in close cooperation with the National Women’s Commission. The Office supported a capacity-building programme for staff of the safe houses established by the Government in 15 districts and law enforcement officials.

Participation (EA 5)

- There was a general decrease in the use of violence during demonstrations by, and clashes between, members of different parties and interference in each other’s political activities. OHCHR-Nepal contributed to this reduction through continuous advocacy and engagement with the political parties at the local level. At the same time, the Office facilitated the formation and strengthening of networks of human rights defenders – Demonstration Monitoring Networks – in four regions of Nepal as part of its efforts to strengthen the skills of national human rights organizations. This effort resulted in the increased presence of national human rights monitors.
during political protests and demonstrations in different parts of the country which, on the basis of OHCHR's observations, helped reduce the level of violence used by protesters, the Nepal police and the Armed Police Force.

**Civil society engagement with human rights mechanisms (EA 7)**

Civil society organizations (CSOs) are increasingly able to use the human rights framework and collaborate with each other. OHCHR-Nepal contributed to this result by conducting more than 60 trainings and programmes, including on the use of public interest litigation, the justiciability of economic, social and cultural rights, investigations on extrajudicial killings and sexual and gender-based violence and the roles and responsibilities of human rights defenders. One result was the active participation of civil society organizations in the first review of Nepal under the UPR mechanism. Having submitted several joint reports in 2010, Nepal CSOs, along with national human rights organizations, undertook proactive advocacy during the January 2011 review, including by organizing a side event and a series of informal meetings with representatives of various States, international NGOs and other UN agencies. These activities were also viewed as effective in establishing a collective voice on human rights issues among Nepal’s CSOs.

**Human rights mainstreaming within the United Nations (EA 11)**

As the lead organization of the Protection Cluster, OHCHR-Nepal contributed to strengthening the human rights-based approach of the United Nations Humanitarian Country Team Mechanism in 2011. This included the development of a contingency plan for the Cluster focusing on the possibility of a major earthquake centred in the Kathmandu Valley. After a major earthquake hit the eastern part of Nepal in September 2011, human rights concerns of the affected population were assessed by the members of the Protection Cluster, including UNICEF and other human rights defenders at the district level, utilizing the protection assessment checklist which the Protection Cluster had developed and disseminated to humanitarian actors and NGOs. The use of the checklist contributed to a better understanding of the affected population’s protection needs and the development of strategies for a timely response, such as psychosocial support training for the worst-affected communities. Similarly, the Office promoted the use of the human rights-based approach in other Clusters of the United Nations Humanitarian Country Team Mechanism, 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. The Office played a key role in integrating human rights into the draft United Nations Development Assistance Framework (UNDAF) for 2013-2017. The new UNDAF focuses on 20 disadvantaged, marginalized or vulnerable groups and outlines its outcomes, activities and programming in relation to ensuring a positive impact on the lives of these communities. The UNDAF has an innovative approach which incorporates the possibility of measuring impact from the perspective of the enjoyment of the full range of human rights by the most disadvantaged population.

**Challenges and lessons learned**

During 2011, OHCHR-Nepal noted an increasing trend in Government efforts to withdraw serious criminal cases, provide pardons for persons convicted of serious crimes and appoint to ministerial positions certain individuals convicted of crimes or facing allegations of serious human rights violations. In response, the Office, in cooperation with NHRIs, issued a number of public statements urging the Government to uphold the rule of law and ensure accountability. In the later part of 2011, the Office stepped up its advocacy efforts to prevent the possible inclusion of provisions that would allow for broad amnesty under the pending bills developed to establish transitional justice mechanisms, contrary to international human rights law and standards.
OHCHR’s advocacy was critical to supporting efforts to combat pervasive impunity in the country and was widely appreciated by Nepal’s human rights community. These efforts also placed the Office in an adversarial position with the Government and may have negatively impacted on the Government’s decision not to renew OHCHR’s mandate in Nepal.

In 2011, OHCHR-Nepal further consolidated its work on Caste-Based Discrimination, continuing to support the full participation of affected communities and facilitating synergies between civil society at central and grassroots levels and the National Dalit Commission. Blending public reporting capacity-development and broad-based awareness campaigns at all levels of society, OHCHR-Nepal amplified the advocacy efforts of Dalit groups located in remote areas of Nepal where caste-based discrimination and untouchability remain rampant.

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</tr>
<tr>
<td>Seminars, grants &amp; contributions</td>
<td>-</td>
<td>187,887</td>
</tr>
<tr>
<td>Subtotal</td>
<td>-</td>
<td>4,415,706</td>
</tr>
<tr>
<td>Programme support costs</td>
<td>-</td>
<td>574,042</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>-</td>
<td>4,989,748</td>
</tr>
</tbody>
</table>

In 2011, OHCHR-Nepal further consolidated its work on Caste-Based Discrimination, continuing to support the full participation of affected communities and facilitating synergies between civil society at central and grassroots levels and the National Dalit Commission. Blending public reporting capacity-development and broad-based awareness campaigns at all levels of society, OHCHR-Nepal amplified the advocacy efforts of Dalit groups located in remote areas of Nepal where caste-based discrimination and untouchability remain rampant.

### A village in the eastern region of Nepal declares itself free of witchcraft allegations and practices after a one-year campaign

November 25th is the international day to combat violence against women and signals the start of the annual 16-day international campaign against gender-based violence. OHCHR-Nepal marked the day by celebrating the completion of a one-year campaign to eradicate violence against women accused of practicing witchcraft in the Amgacchi Village Development Community of Morang district in the eastern region of Nepal.

Amgacchi had been marked in recent years by a series of incidents of severe beatings and abuse of local women accused of practicing witchcraft. Following research conducted by the Women’s Rehabilitation Centre (WOREC), a Nepal-based human rights organization and a local network of women human rights defenders, a year-long campaign to declare the local area free from allegations of witchcraft was launched on 25 November 2010. Since then, OHCHR has supported the implementation of the campaign through a village-based network of women human rights defenders, teachers, political party members, students, health workers, police officers and, most importantly, Dhamis (traditional healers). The Office has provided training and technical support, including in the development of campaign strategies. Local residents established working groups at various levels, including in schools. These groups campaigned door-to-door, thus taking the issue to every home in the local community and organized orientation trainings on various related issues, including sexual and gender-based violence. The Dhamis Committee played an active role throughout the campaign by strongly advocating against violence against women and making commitments to refer serious medical cases to the district hospital. This was a major achievement as in previous years the Dhamis themselves were involved in accusing women of practicing witchcraft and engaging in violent assaults to “treat” them.

On 25 November 2011, on the completion of the one-year campaign, local residents declared the village free from violence against women accused of practicing witchcraft. During the one-year period of the campaign, no cases of such violence were reported. The celebration to mark the success of the campaign was attended by the deputy Speaker of the Parliament, representatives of the local Government, police, NHRRIs, as well as local residents.
Regional Offices

Regional Office for South-East Asia (Bangkok, Thailand)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Year established</td>
<td>2002</td>
</tr>
<tr>
<td>Staff as of 31 December 2011</td>
<td>7</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$1,131,094</td>
</tr>
</tbody>
</table>

Background

The South-East Asia region is diverse in terms of political systems and economic development. Despite ongoing economic growth in the region, Cambodia, Lao PDR and Myanmar remain three of the least developed countries in the world. Within countries, there is also a vast difference in the share of national income going to the richest and poorest. Inadequate social security nets leave the poor particularly vulnerable to economic downturns and high food commodity prices. Common concerns include: unnecessary and disproportionate restrictions on freedom of expression; impunity for serious human rights violations, including torture; the treatment and poor legal protection of undocumented migrants, asylum-seekers and refugees; human trafficking; and discrimination against women, persons with disabilities and persons living with HIV/AIDS. Positive developments include: increased engagement by States with international human rights mechanisms, including through the Universal Periodic Review (UPR) process; ongoing efforts by States to advance the nascent regional human rights system; as well as promising reforms at the domestic level in countries such as Myanmar.

OHCHR’s Regional Office for South-East Asia covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. The Regional Office acts as an expert resource and plays a catalytic and convening role, helping to bring human rights standards and mechanisms into discussions on political, social, economic and development issues among governmental and non-governmental actors. A combination of advocacy on human rights issues of concern and technical support and capacity-building with key partners has formed the basis of the Regional Office’s work, including with national authorities, the Association of Southeast Asian Nations (ASEAN), national human rights institutions (NHRIs), civil society and UN agencies and programmes. Priorities in 2011 included: increased engagement by all States with UN human rights mechanisms and improved implementation of their recommendations; an increased number of national human rights institutions and civil society actors making use of international human rights mechanisms; the increased integration of human rights standards into UN programmes in the region; and providing support to the emerging Association of Southeast Asian Nations human rights system.

Results

National laws, policies and institutions (EA 1)

- In Lao PDR, the Regional Office provided support to the International Law Project of the UNDP country office, which in 2011 included training programmes for judges on the application of international human rights law in national courts.
- The Regional Office conducted a training workshop on UPR follow-up for the national human rights commission of Malaysia (SUHAKAM), Government officials and representatives of civil society organizations (CSOs) which laid the groundwork for SUHAKAM’s increased engagement in relation to the protection of the rights of indigenous peoples, particularly their right to land.
- The Regional Office helped to engage the international human rights mechanisms to highlight the relevant standards and obligations in relation to freedom of expression in the region. In Thailand, the Regional Office helped to inform discussions on the reform of national legislation by translating into Thai the Human Rights Committee’s General Comment No. 34 on article 19 of the International Covenant on Civil and Political Rights (ICCPR) and facilitating exchanges of Thailand’s constitutionally mandated Law Reform Commission (LRC) with the Special
Rapporteur on freedom of opinion and expression. The LRC is mandated to submit recommendations to the Cabinet for reform of Thailand’s national laws.

In Myanmar, the Regional Office engaged with the newly established Human Rights Commission (September) through a workshop which provided a forum for commissioners and mid-level Government officials to familiarize themselves with international human rights law. The workshop also facilitated discussions on follow-up to the 2011 UPR and the recommendations issued by other mechanisms.

**Ratification (EA 2)**

The Regional Office integrated its advocacy work on the ratification of international instruments into missions across the region in 2011. The Office also supported specific events to push for ratification, such as the Indonesian Institute for Policy Research and Advocacy’s (ELSAM) high-level meeting in June on Indonesia’s ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). In 2011, Indonesia and Myanmar became State Parties to the Convention on the Rights of Persons with Disabilities (CRPD).

**State engagement with human rights mechanisms (EA 6)**

Thailand pledged to issue a standing invitation to special procedures; the first country in South-East Asia to do so. The Regional Office, in cooperation with United Nations Country Teams (UNCTs), played a catalytic and convening role in promoting improved engagement by States with international human rights mechanisms. This was done through support for seminars, conferences and symposiums organized by partners of the Regional Office and OHCHR colleagues from Geneva. For example, an OHCHR regional training workshop was organized on the protection of the rights of minorities aimed at integrating protection of the rights of minorities into country and regional strategies and development programmes. In addition, the Regional Office worked in collaboration with the UNCT to hold a mock UPR session for the Thai delegation at the Ministry of Foreign Affairs prior to its actual review.

In 2011, Singapore and Thailand submitted their respective reports to the UPR. Lao PDR submitted its periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Singapore submitted its report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and Viet Nam submitted its reports under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and ICERD. Thailand also prepared its periodic report to the Committee against Torture, which is being finalized. The Regional Office continues to advocate and provide technical assistance for Governments in relation to the submission of State reports to international human rights mechanisms.

The Malaysian Government drafted a monitoring action plan on the implementation of UPR recommendations. This came about following a training workshop conducted by the Regional Office for SUHAKAM, which then reported on the monitoring action plan to the Human Rights Council in Geneva; the first of its kind by a NHRI from the region.

**Civil society engagement with human rights mechanisms (EA 7)**

Civil society groups in the region submitted information on human rights violations to the relevant special procedures mandate-holders. This was facilitated by the development of a database in the Regional Office to monitor follow-up action on special procedures communications. A total of 39 communications were issued by special procedures mandate-holders to countries in the region, some of which were a result of assistance provided by the Regional Office to civil society actors.

**International and regional laws and institutions (EA 8)**

The Regional Office has established itself as a trusted partner of the ASEAN Secretariat, the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) as a result of efforts undertaken since 2006 to support the establishment and subsequent strengthening of an ASEAN Human Rights System. This has placed the Regional Office in a position where it can positively influence the early evolution of ASEAN’s human rights mechanisms. For instance, the Regional Office was among the first UN agencies to be invited to hold an interface meeting in July with AICHR to agree on areas of support and collaboration in the context of AICHR’s five-year workplan. This was followed by an interface with the High Commissioner in November. The Regional Office has subsequently engaged directly with AICHR on important
activities such as the drafting of an ASEAN Human Rights Declaration which is due to be adopted in 2012. For example, the Regional Office was invited to offer advice and technical assistance on the inclusion of international human rights standards in the regional instrument during AICHR’s first consultation on the Declaration.

The Regional Office has played a key role in strengthening the capacity of other important actors relevant to the development of an effective ASEAN human rights system. For instance, the Regional Office continued its collaboration with UNDP in strengthening secretariat support to ASEAN’s human rights mechanisms. In 2011, this included a first human rights training for staff across all sectors of the ASEAN Secretariat which helped lay the foundations for the mainstreaming of human rights throughout the work of the organization. In these activities, the Regional Office was also able to integrate other key local actors, including non-governmental organizations (NGOs), academia and NHRIs.

Human rights mainstreaming within the United Nations (EA 11)

Through application of the human rights-based approach, the Regional Office continued to mainstream human rights into UN programming at the country and regional levels. For instance, with regard to the Royal Thai Government’s policy response to the severe flooding in Thailand, the Regional Office advised the UNCT on advocacy with the Thai Ministry of Foreign Affairs and other authorities, particularly in relation to the protection of migrants. This included highlighting relevant recommendations of special procedures and providing other guidance and methodological tools to the UNCT. The joint advocacy of UNCTs and NGOs coupled with media coverage of concerns relating to migrants helped facilitate the establishment of an additional shelter for migrants and improved legal protection.

UNCTs in the region played an active role in the UPR process. The Regional Office helped to improve awareness of the potential of the new mechanism and ensured that the substantive inputs of UNCTs into the UN Compilation Report included reference to pertinent human rights concerns within the respective country. For instance, in Thailand, the Office was involved throughout the UNCT’s drafting of inputs, and in the Philippines, the Office provided technical advice to UNCT members at key points to facilitate their inputs.

The Regional Office galvanized civil society actors, Governments, UNCTs, NHRIs and national representatives from the ASEAN human rights mechanisms in order to holistically follow-up on recommendations from international human rights mechanisms, including treaty bodies, the special procedures and the UPR. For instance, in Thailand, the Office was able to play a substantive role in the development and implementation of the UN Development Partnership Framework. This included co-chairing, with the Ministry of Justice, a Joint Team on Human Rights and Access to Justice whose primary purpose is to support Thailand in implementing the recommendations of international human rights mechanisms. Also in Lao PDR, the Office has been actively involved in forging a cooperation partnership modality in the context of the Development Assistance Framework (UNDAF) which will specifically address the need for follow-up to the UPR recommendations.

At the regional level, the Office has been part of the United Nations Development Group Asia-Pacific (UNDG A-P), particularly through its Peer Support Group (PSG). The Office participated in quality support work undertaken by the PSG regarding the UNDAFs of India, Iran, Lao PDR and Philippines. The Office helped to ensure that the principles of the human rights-based approach to programming were firmly reflected and anchored in the development processes in these UNDAFs. Within the context of its engagement in both the UNDG A-P and the Regional Inter-agency Team on AIDS, and with the involvement of the OHCHR Adviser on HIV/AIDS, the Office contributed to a draft joint statement by UN agencies on compulsory detention and the treatment of drug users. The statement will serve as a useful advocacy support tool in the future.

In Thailand, media coverage of the Regional Office’s position on the criminalization of drug abuse (including compulsory detention and treatment), and its implications for HIV/AIDS, led to renewed partnership with UNODC and UNAIDS with a view to undertaking a joint project in 2012 in cooperation with national and regional Government agencies working on health and drug issues. An informal visit of the Special Rapporteur on health, who discussed relevant standards with UN agencies, provided added value to the process.

Through participation in the UN Regional Thematic Working Group on International Migration, including human trafficking, and with the active engagement of the OHCHR Adviser on Migration, the Regional Office contributed a chapter on migration and human rights for inclusion in the 2011 UN Situation Report on Migration in south and south-west Asia.
Challenges and lessons learned

The Regional Office has a convening power, bringing together a wide range of actors who might otherwise not be in contact, to discuss human rights issues. The Office has learned how to target capacity-building and technical assistance for national partners at key points in the international human rights cycle. For instance, this may involve visiting a UNCT to provide training on human rights-based approaches at an opportune moment in the UNDAF cycle or providing training to NGOs and NHRIs preparing submissions to the UPR or human rights treaty bodies. It is therefore essential for the regional offices to maintain contact with local networks to make these timely interventions during the course of a year.

The Office has benefited from utilizing local expertise for human rights workshops and seminars, for instance with Myanmar, and at the regional level with the ASEAN Secretariat, which can help to situate international standards within a localized context.

The Regional Office increasingly plays a role in publicly raising human rights issues of concern with reference to international human rights standards which subsequently opens up space for local actors in their advocacy efforts. By virtue of its proximity, the Regional Office is in a good position to judge the appropriateness and timing of such public interventions. Other UN agencies are often reluctant to advocate publicly on certain human rights issues due to their differing mandates which increases the importance of the Regional Office’s interventions.

Regional Office for South-East Asia (Bangkok, Thailand): Expenditure in 2011

<table>
<thead>
<tr>
<th></th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
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<td>Consultants</td>
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<td>Official travel</td>
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<tr>
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<td>General operating expenses</td>
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<td>Supplies &amp; materials</td>
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<tr>
<td>Seminars, grants &amp; contributions</td>
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<tr>
<td>Subtotal</td>
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</tr>
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<td>Programme support costs</td>
<td>-</td>
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<td><strong>GRAND TOTAL</strong></td>
<td><strong>758,855</strong></td>
<td><strong>372,239</strong></td>
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Regional Office for the Pacific (Suva, Fiji)

<table>
<thead>
<tr>
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<th>Year established</th>
<th>Staff as of 31 December 2011</th>
<th>Expenditure in 2011</th>
</tr>
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<tr>
<td><strong>Year established</strong></td>
<td>2005</td>
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<td>US$913,919</td>
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</table>

Background

The Pacific region is made up of a large number of geographically isolated small islands as well as the larger countries of Australia, New Zealand and Papua New Guinea (PNG). Civil and political rights are enshrined in most national constitutions, while economic, social and cultural rights are not. In many Pacific Island countries, a number of human development indicators are of concern, particularly in relation to poverty, education, health and gender equality. Similarly, accountability mechanisms can be weak, creating a situation of impunity for perpetrators of human rights violations. Frequent natural disasters affect long-term development outcomes and generate displaced populations who face discrimination when seeking durable solutions, including in relation to the right to adequate housing. Low-lying atoll countries are particularly concerned about the future impact of climate change on the enjoyment of rights of their citizens. Discrimination against minority indigenous populations in some countries are of concern, as is the treatment of asylum-seekers. Other human rights concerns in the region include high rates of sexual and gender-based violence, discrimination against women, poor conditions of detention, police violence and torture, the right to adequate housing, including forced evictions, access to basic services, including health and education and protection in situations of natural disaster and armed conflict. The treaty ratification and reporting rates are low, although increasing. All UN Member States in the Pacific completed the Universal Periodic Review (UPR) process in 2011 and made significant human rights commitments. There has also been a growing interest in visits to the region by special procedures mandate-holders.

The Regional Office for the Pacific was established in 2005 and is located in Suva, Fiji. It covers the 16 Pacific Island Forum countries, including Australia, the Cook Islands, Fiji, Kiribati, Marshall Islands, the Federated States of Micronesia, Nauru, New Zealand, Niue, Palau, PNG, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Its work engages countries of the region on issues of discrimination, torture, protection in natural disasters and economic, social and cultural rights.
It promotes treaty ratification, UPR reporting and implementation of recommendations from UN human rights mechanisms. It is an active member of the Fiji- and Samoa-based United Nations Country Teams (UNCTs) and aligns its work with the United Nations Development Assistance Framework (UNDAF). The Regional Office also provides substantive support to the Human Rights Adviser (HRA) in Papua New Guinea.

Results

National laws, policies and institutions (EA 1)
- Although no national human rights institutions (NHRIs) were established in the region in 2011, the Government of Palau is taking steps towards the establishment of such an institution as a result of an assessment mission and ongoing technical assistance undertaken by OHCHR. It is also one of the Government’s commitments under the UPR. The Regional Office participated in a joint assessment mission with the Asia Pacific Forum (APF) on National Human Rights Institutions and the Pacific Island Forum Secretariat (PIFS). The mission resulted in increased awareness and interest among different national stakeholders and the report contained possible options. The Government also committed to draft a workplan for the establishment of an institution. This work will continue in 2012 as the Government implements its UPR commitments. It has invited another technical assistance mission for follow-up work with the Regional Office to monitor places of detention. The representatives also joined the Vanuatu Human Rights Defenders Network which was established after a Regional Office-led workshop.
- In Kiribati, PNG and Solomon Islands, the police and representatives of a number of ministries attended workshops on monitoring and documenting human rights violations and became increasingly aware of their duties to ensure that violators are prosecuted. In PNG, for instance, this resulted in police working with human rights defenders to pursue accountability through the formal justice system in cases of sexual and gender-based violence (SGBV), including gang rape.

Ratification (EA 2)
- Vanuatu acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in August 2011, following advocacy and technical assistance by the Regional Office.

Participation (EA 5)
- Church leaders in Vanuatu have increasingly engaged in addressing human rights issues, particularly torture and violence against women, and have called for accountability for human rights violations through consultations and various trainings by the Regional Office. In particular, representatives of faith-based groups attended workshops on torture prevention and violence against women and participated in follow-up work with the Regional Office to monitor places of detention. The representatives also joined the Vanuatu Human Rights Defenders Network which was established after a Regional Office-led workshop.
- Furthermore, through continuous advocacy of the Regional Office, representatives of churches have started to consider the compatibility of human rights with Christianity. In particular, the Regional Office has developed a cooperative relationship with the Pacific Conference of Churches and provided substantive advice in relation to their position paper on Christianity and human rights.
- In the highlands of PNG and in Bougainville, Kiribati, Solomon Islands and Vanuatu, human rights defender networks were established with the help of the Regional Office which, inter alia, provided them with mentoring support that emphasized the monitoring and documenting of human rights violations. The Regional Office also assisted the networks in the highlands of PNG to receive funding from UNDP for projects, as well as emergency protection funding from OXFAM and AI Australia. In two cases, this emergency funding was used to protect victims and human rights defenders from further attacks.

State engagement with human rights mechanisms (EA 6)
- The Regional Office helped to implement the human rights strategy adopted by the UNCT in 2010. As a result, Kiribati issued a visit invitation to the Independent Expert on water and sanitation and Solomon Islands invited the Special Rapporteur on violence against women to carry out country visit.
- In Vanuatu, the Regional Office’s advocacy efforts increased the Government’s awareness of UPR recommendations and their obligations related to implementation. A technical cooperation project
on UPR follow-up has been agreed upon between the Government (Ministry of Justice) and the Regional Office, with a particular focus on torture prevention, the establishment of a NHRI and a national human rights coordination body for the implementation of recommendations issued by UN human rights mechanisms. The Regional Office also carried out trainings for police and correctional services, thereby supporting implementation of relevant UPR recommendations. The training of correctional services officers has begun to have an impact on conditions in the Santo Detention Centre. Following a Regional Office-led training in May, participants committed to and implemented: a training on first aid and basic medical treatment for officers and detainees; the construction of a facility for female detainees; the installation of water tanks for detainees; and a regime of internal inspections (daily, weekly and monthly).

Civil society engagement with human rights mechanisms (EA 7)

An increased number of special procedures allegation letters were sent to countries of the region (from 11 in 2010 to 15 in 2011). The Regional Office trained and mentored civil society actors in Fiji, Kiribati, PNG, Solomon Islands, Tonga and Vanuatu on monitoring and documenting human rights violations.

In PNG, the focus was on specific forms of violence against women, particularly sorcery-related killings and attacks. The Regional Office and the HRA in PNG assisted in ensuring that information on at least four cases of sorcery-related attacks were sent to special procedures.

In Fiji, the Regional Office extensively consulted with civil society, other UN agencies and regional organizations, as well as the Government, on plans for UPR follow-up. One-on-one discussions with civil society resulted in consensus around the need for national-level consultations on UPR recommendations and engagement between civil society and the Government, facilitated by UN agencies, on implementation of the recommendations. These preliminary consultations resulted in increased awareness of the content of UPR recommendations among civil society and other partners.

Responsiveness of the international community (EA 10)

For the first time, the outcome statement of the Pacific Islands Forum Leaders’ meeting held in Auckland in September 2011 included a paragraph on human rights. In this paragraph, stakeholders “welcomed the successful participation of all Forum members in the first round of the Universal Periodic Review to the UN Human Rights Council as a major regional achievement. They acknowledged the support and assistance to Members in their reporting efforts from the Forum Secretariat, the Regional Rights Resource Team of the Secretariat of the Pacific Community and the Office of the High Commissioner for Human Rights. Leaders noted that the development of this cooperation, and the networks created by this activity, represent an important source of human rights expertise for the entire region.”

In 2011, media coverage of substantive human rights issues and the activities of the Regional Office increased when compared to previous
years. This was a result of the Regional Office’s media and communications strategy which included the publication of media releases and op-eds. Regional Representative media interviews were given on topics relating to human rights issues and the Regional Office’s mandate.

- A Regional Office op-ed on the decriminalization of homosexuality published in October 2011 was widely reproduced by a range of gay media and social networks across the region. The Office received numerous messages of positive feedback from civil society and other organizations.

- The High Commissioner for Human Rights visited Australia in May 2011 and raised human rights issues with the Government and civil society, including in relation to discrimination against indigenous communities and the treatment of asylum-seekers. The visit attracted high levels of national and international media attention with more than 500 articles mentioning the visit within a month of the visit.

- National governmental and non-governmental stakeholders in Australia working on development projects or humanitarian assistance in the Pacific region have increasingly used a human rights-based approach in their work. This has been gradually achieved through ongoing working partnerships. The Regional Office is working with the Australian Council for International Development to develop a tool kit and training course on a human rights-based approach. Both the toolkit and the training programme emphasize human rights standards and principles. The toolkit is being finalized and the training course will be launched in early 2012.

- Relevant stakeholders at the national and international levels have a better understanding and more information on the human rights implications of free trade policies and agreements. This is a result of two initiatives undertaken by the Regional Office in cooperation with the UNDP Pacific Centre: (1) a publication on “Pacific trade and the right to health” that was, for example, widely circulated and used in a trade- and health-related regional ministerial meeting in Tonga in July 2011; and (2) A human rights impact assessment of the World Trade Organization accession negotiations related to Vanuatu. This project elicited global attention as international development and financial organizations are interested in learning from it for use in other regions. The project is comprised of a comprehensive analysis of implications and issues carried out by a team of four consultants with backgrounds in human rights, trade, economics and intellectual property rights. It was initiated in August 2011 and will be finalized in 2012. The findings will be published and shared with the Government and developed into a tool for advocacy and shared experiences across the Pacific region.

**Human rights mainstreaming in the United Nations system (EA 11)**

- The joint Common Country Assessment (CCA)/UNDAF 2013-2017 for the 14 Pacific Island countries covered by the Fiji- and Samoa-based UNCTs incorporates a human rights-based approach and includes a focus on vulnerable groups and possible marginalization. As part of the Steering Committee, the Regional Office provided inputs for terms of reference, guidance materials, country desk-reviews, CCA and UNDAF documents, and acted as a reviewer in an editorial task force. In addition, the Regional Office provided a training session to UN staff involved in the CCA review process, as well as a human rights-based approach training session for UNDP programming staff.

- The Protection Cluster’s operations and capacities to respond in emergencies were strengthened through a number of coordination efforts and tools. Two studies undertaken on situations of internal displacement in the Pacific (one by the Regional Office and one by the Protection Cluster), created more awareness and interest in considering displacement from a human rights point of view. The Regional Office co-leads the Cluster work with UNHCR and organizes quarterly Protection Cluster meetings and other meetings as needed. It also actively participates in the OCHA-led bi-weekly Cluster coordination meetings and those of other partners.

**Challenges and lessons learned**

A lesson learned in 2011 is that using the media to increase the level of awareness of human rights in the Pacific region is an effective way to overcome the difficulties of limited in-country contact due to distance and the high number of countries covered by the Office. The Regional Office found that well-timed and reactive media engagement is an effective tool for achieving its communications goals of increasing awareness and understanding of human rights and OHCHR’s work in the Pacific.

In its work on trade and human rights, the Regional Office found that the promotion of human rights impact assessments provided a concrete means of encouraging the inclusion of human rights principles into debates around trade and development issues.
Human rights impact assessments provided an evidence base for assessing agreements and contributed to making the process more transparent and accessible for those who are often left out of trade negotiations.

<table>
<thead>
<tr>
<th>Regional Office for the Pacific (Suva, Fiji): Expenditure in 2011</th>
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<tr>
<td></td>
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<tr>
<td>Personnel and related costs</td>
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<td>Consultants</td>
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<td>Official travel</td>
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<td>Supplies &amp; materials</td>
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<td>Seminars, grants &amp; contributions</td>
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<tr>
<td>Subtotal</td>
</tr>
<tr>
<td>Programme support costs</td>
</tr>
</tbody>
</table>

Human Rights Components in UN Peace Missions

United Nations Assistance Mission in Afghanistan

Year established  2002
Staff as of 31 December 2011  92

Background

In 2011, protection of civilians remained a major human rights concern in Afghanistan. The reduction of international forces and transition of security responsibilities to the Afghan National Security forces, coupled with increased military activities by Government forces and anti-Government elements (AGEs), caused an increase in civilian casualties. Although the number of civilian casualties attributed to pro-Government forces (PGFs) decreased, the continuous use of indiscriminate and illegal tactics by AGEs, such as suicide bombings, improvised explosive devices and targeted assassinations, resulted in the killings of many more civilians than in past years. With the intensification of the conflict, the number of detainees in Afghan detention facilities grew rapidly. Arbitrary detention and the use of torture and ill-treatment as interrogation techniques are widespread. While there were increasing moves to begin peace negotiations with the Taliban, there was limited commitment to ensuring accountability for past crimes and the inclusion of civil society, victims’ groups and women in the peace and reconciliation process.

OHCHR and the United Nations Assistance Mission in Afghanistan (UNAMA) continued to monitor, investigate and report on conflict-related incidents which produced civilian casualties. The Human Rights Unit of UNAMA (OHCHR/UNAMA) maintained a database to track the number and nature of incidents related to civilian casualties. It also continued to monitor, investigate and report on due process guarantees and treatment of detainees in Government detention facilities. The Office engaged extensively in advocacy campaigns with relevant actors on thematic issues of concern, such as the protection of civilians, accountability and treatment of detainees in order to build awareness and promote systematic and regular follow-up to the recommendations made by the Office. The Office also engaged with civil society organizations (CSOs) to facilitate broad-based consultation with local communities to ensure their voices were heard in
relation to peace, reconciliation and accountability issues. The Office supported the work of the Afghanistan Independent Human Rights Commission, Human Rights Support Unit within the Government and of CSOs on priority areas. OHCHR/UNAMA remembers the loss of one of its human rights officers, Joakim Dungel, who was killed with several colleagues in an attack on the UNAMA Office in Mazar-i-Sharif in April 2011.

Results

National laws, policies and institutions (EA 1)

- The protection of civilians and the reduction of casualties remain priority areas of work for OHCHR/UNAMA. With the intensification of the conflict and its spread to more areas of the country, civilian casualties increased, albeit at a slower rate in late 2011 than earlier in the year. Despite these trends, the Office was able to exercise positive influence on policy, awareness and responsiveness among the parties to the conflict. The International Security Assistance Force (ISAF) put in place standard operating procedures and tactical directives to restrict the use of force and increase civilian protection. To mitigate future incidents, special teams were formed to track civilian casualty incidents. OHCHR/UNAMA contributed through regular meetings and technical advice. These tactical directives, together with standard operating procedures to regulate night searches, the rules of engagement and rules of escalation of forces positively contributed to a reduction in civilian casualties by pro-Government Forces over the year.

- Bi-annually, OHCHR/UNAMA produced reports on the protection of civilians with recommendations for measures to reduce the impact of conflict on civilians. These reports often received worldwide media attention and raised the profile of the impact of the conflict on civilians in Afghanistan. The report has also been a strong advocacy tool for UN organizations as well as other international and national non-governmental organizations (NGOs).

- OHCHR/UNAMA’s continuous engagement through meetings and workshops with tribal elders and religious leaders who have some access to anti-Government elements has encouraged the Taliban to be more proactive in their public statements and communicate in a way that shows greater consideration for the protection of civilian issues during their military operations. The Taliban have increasingly responded to OHCHR/UNAMA statements and proposed to form an investigating committee comprised of international military, UN and Taliban representatives to investigate protection of civilian incidents. Despite these public commitments, anti-Government elements have not adhered to the provisions of international humanitarian law and continue to carry out indiscriminate attacks against civilian targets, including hospitals and religious sites.

- OHCHR/UNAMA’s systematic monitoring of detention facilities and the subsequent release of a public report on issues of ill-treatment and torture in Afghan-run detention facilities made a major impact on the operations of both national
and international security agencies and was welcomed by civil society actors. Government and international security forces made immediate changes to their public policies on detainee treatment and prevention of torture. In addition, a system for tracking detainees and their treatment was introduced by ISAF to ensure that detainees are treated appropriately when they are handed over to national authorities. Although overall rule of law reform has progressed slowly in Afghanistan, the Government implemented some of the recommendations regarding detention and fair trial guarantees during the year. In December 2010, the National Directorate of Security (NDS) established an Internal Oversight Commission. In addition, an external oversight of the Afghan National Police (ANP) is currently being developed by the Afghanistan Independent Human Rights Commission. Finally, the Ministry of Justice has initiated the revision of both the Criminal Procedure and Penal Codes.

OHCHR/UNAMA advocated with the Government in relation to the recommendations made in the Arbitrary Detention Verification Campaign (ADVC) report which it reinforced with a follow-up report on treatment of conflict-related detainees held by the NDS and the ANP.

- As a member of the Criminal Justice working group, OHCHR/UNAMA provided comments on the draft Criminal Procedure Code in line with international human rights standards.

- In September 2010, a Human Rights Support Unit was established within the Ministry of Justice to strengthen the Government’s capacity to fulfill its international human rights obligations laid down in Afghanistan’s Constitution and in accordance with the human rights treaties it has ratified. In collaboration with UNDP, OHCHR/UNAMA supported the establishment of the Unit throughout 2011. The Office also conducted trainings on the human rights-based approach for newly recruited staff and provided policy advice and technical advice to the Unit for the development of an action plan to implement Universal Periodic Review (UPR) recommendations.

State engagement with human rights mechanisms (EA 6)

- In September 2011, the Government approved a by-law regulating the operation of the Women’s Protection Centres for vulnerable women and girls facing violence and abuse. OHCHR/UNAMA, in cooperation with civil society, the Afghanistan Independent Human Rights Commission and the United Nations Country Team (UNCT) advocated with the Government to ensure that the by-law was in line with human rights standards. Repeated joint advocacy and engagement led to the incorporation of positive amendments. The approved by-law safeguarded the fundamental human rights of women exposed to, or at risk of, violence, including the right to privacy, access to adequate healthcare and social and legal support.

- Effective implementation of the 2009 Law on the Elimination of Violence against Women (EVAW) is the key to ending violence against women and girls, including harmful traditional practices in Afghanistan. The results of OHCHR/UNAMA’s systematic monitoring and documentation of harmful traditional practices and the implementation of the EVAW Law were presented in a public report which provided a clear picture of the positive progress achieved and remaining gaps in implementing the Law. The Government and civil society took preliminary steps to implement some of the key recommendations. OHCHR/UNAMA supported provincial governors and provincial departments of women’s affairs to establish and strengthen provincial commissions for the prevention of violence against women. OHCHR/UNAMA’s support helped the commissions to carry out their mandates of coordination with governmental and non-governmental institutions on cases of violence against women. OHCHR/UNAMA conducted awareness-raising activities and trainings for women’s groups, students, religious leaders, judges, prosecutors, police and journalists on the EVAW Law. Increased awareness encouraged ordinary women to come forward to seek assistance and make use of the criminal justice system and at the same time, motivated law enforcement officials to use the EVAW law more effectively.

- In 2011, the Government of Afghanistan submitted its first periodic report to the Committee on the Elimination of Discrimination against Women (CEDAW). The report will be considered by the Committee in 2012. Together with UN Women, OHCHR/UNAMA provided support to the Human Rights and Women International Affairs Division of the Ministry of Foreign Affairs in drafting its State Party report.
Human rights mainstreaming within the United Nations (EA 11)

OHCHR/UNAMA actively participated in the United Nations Development Assistance Framework (UNDAF) process, especially in relation to monitoring and evaluation, to advocate with UN agencies for the integration of human rights into their country programming and implementation efforts. Continued engagement in this regard ensured that UN agencies increasingly incorporated human rights principles in their programmes.

To bring coherence to UN programme delivery efforts, UN agencies and the Department of Peacekeeping Operations (DPKO) drafted the Integrated Strategic Framework (ISF) in June 2011. OHCHR/UNAMA led the drafting process. Its direct engagement in the process ensured that human rights is now one of the key priority areas. In 2012, OHCHR/UNAMA will focus its activities on the effective implementation of the ISF.

Challenges and lessons learned

The intensification of the conflict forced UNAMA to intensify its activities, focusing on the protection of civilians, the root causes of the conflict and peace and reconciliation efforts. Intensification of the conflict, however, restricted the access and movement of human rights officers in day-to-day operations. UNAMA’s Northern Region Office in Mazar-i-Sharif, for instance, remained closed for three months after it was attacked in April (one human rights officer died in the attack), resulting in a dramatic winding down of activities in the northern region over an extended period.

In 2011, staff turnover also affected programme implementation. Several experienced human rights officers left the mission at the same time that a hiring freeze was instituted. Insecurity and the attacks against the UN offices in Mazar-i-Sharif, Herat and Kundahar made it difficult to recruit new staff. These human resource constraints also made it difficult to maintain a comprehensive range of priority issues and fully implement the human rights programme.

OHCHR/UNAMA’s systematic monitoring and reporting combined with targeted advocacy on key priority areas, including protection of civilians, violence against women and detention demonstrated the value of facilitating effective changes on the ground and improving human rights awareness and protection.

Working with religious leaders to eliminate violence against women

During Friday prayer services, some religious leaders and Mullahs in the south-eastern region have begun preaching against existing harmful traditional practices and in favour of women’s rights. This came about following OHCHR/UNAMA’s efforts at the community level to facilitate discussions on traditional customs with regards to women and the interpretation of Islam.

Harmful traditional practices, such as child marriages, exchange marriages, honour killings and the trading of girls to resolve disputes (baad) are major human rights concerns in Afghanistan. Although some of these practices are inconsistent with Sharia law, national and international law, many Afghans, including some religious leaders, reinforce these harmful customs by invoking their particular interpretation of Islam. As religious leaders have great influence in Afghanistan and can be useful in changing perceptions and societal attitudes on violence against women and harmful traditional practices, OHCHR/UNAMA initiated a project in the south-eastern region to focus on building partnerships with the Department of Hajj and Awqaf and the Ulema Shuras. This region is among the most conservative in the country and has had the greatest increase in insurgent activity and violence over the last year, making the combating of violence against women particularly challenging and a matter of the utmost urgency.

In its first phase, together with the Department of Hajj and Awqaf, the Office organized regular meetings and roundtable consultations with religious leaders to discuss women’s rights issues. The objective of the meetings was to provide a means of follow-up and allow the religious community to express their views on and understanding of women’s rights issues. It also helped to build rapport with religious leaders for further engagement by focusing on issues they were willing to discuss.

In the second phase, respected and progressive scholars on Islam worked directly with the Imams and religious leaders to demystify some of the concepts they had understood regarding Islam and women’s rights. Use of progressive scholars helped to initiate positive dialogue on women’s rights issues and minimize the influence of outspoken critics opposed to social and legal reforms developed to bring an end to harmful traditional practices. OHCHR/UNAMA also conducted radio discussion programmes with religious leaders and progressive scholars to promote positive views on women’s rights issues.

4 Religious councils.
United Nations Integrated Mission in Timor-Leste

Year established: The Human Rights and Transitional Justice Section was established in 2006 as an integrated component of the United Nations Integrated Mission in Timor. OHCHR has had a presence in Timor-Leste since 2001.

Staff as of 31 December 2011: 49

Background

Timor-Leste’s political and security situation has improved since the 2006 crisis and significant advances have been made in the field of human rights, although challenges remain. In March 2011, primary responsibility for the conduct of all police operations was transferred from the United Nations Police (UNPOL) to the Timor-Leste National Police Force (PNTL). While key justice sector institutions have been created, a large part of the population does not benefit from services of the formal justice system and the capacity of justice actors needs further strengthening. The next test will come with the presidential and parliamentary elections that will take place in 2012 and the expected withdrawal of the United Nations Integrated Mission in Timor-Leste (UNMIT) at the end of 2012.

Accountability for the events of the 2006 crisis has not been fully realized. Although several convictions were handed down in 2010 and the Government provided compensation to some of the victims, the pending cases and investigations have not progressed substantially in 2011. Very modest progress has been made in terms of accountability for human rights violations committed in 1999. Two former militia members were indicted (one of whom was tried and convicted) for crimes against humanity in the form of murder. Weaknesses in the system remain apparent as evidenced by the fact that the convicted militiaman escaped custody and his current whereabouts are unknown.

OHCHR is present in Timor-Leste as a component of UNMIT. The Human Rights and Transitional Justice Section (HRTJS) of UNMIT carries out multifaceted programme activities including monitoring and reporting on the human rights situation as well as the provision of technical assistance and advice and capacity-building initiatives for representatives of State institutions and civil society organizations. The Section’s broad-based mandate also encompasses security sector reform and transitional justice. In addition, OHCHR co-leads the Protection Cluster for humanitarian response. OHCHR is currently engaged in discussions with the Government and UN partners on possible forms of a human rights presence after UNMIT is phased out in December 2012.

Results

National laws, policies and institutions (EA 1)

- The Law against Domestic Violence was adopted by the National Parliament on 3 May 2010 and entered into force on 8 July 2010. The Law provides a framework for the Government, police and community to respond to domestic violence and is largely in compliance with international human rights standards. Domestic violence is still the most reported gender-based violence-related crime and among all crimes, is second only to common assault. HRTJS participates in the UN Gender-Based Violence Working Group which monitors and promotes implementation of the Law. In addition, HRTJS continued to monitor gender-based violence cases by inquiring about follow-up with the Prosecutor’s Office and in courts. HRTJS also refers victims of gender-based violence to referral networks.

- As of the end of 2011, the draft land law, the Special Regime for the Determination of Ownership of Immovable Property, had not yet been adopted. The draft law is largely in compliance with international standards, ensures that women have the right to own property and prohibits any form of discrimination. HRTJS provided comments to the draft law based on the Pinheiro Principles and emphasized the importance of co-ownership as it provides greater economic empowerment for women and enhances development in rural communities. The draft law was discussed in Parliamentary Committee A in October 2011 and is scheduled for further discussion in the Plenary Session in February 2012. The Minister of Justice allocated funds from the 2012 budget for the implementation of the law.

- During 2011, the Provedoria for Human Rights and Justice (PDHJ), Timor-Leste’s national human rights institution (NHRI), carried out monitoring activities and reported on selected human rights issues. The monitoring and reporting was undertaken based on identified priorities and human resources as well as financial and technical capacities, although the level of compliance of authorities with PDHJ’s recommendations remained low. OHCHR contributed to the PDHJ’s Capacity-Building Development project, led by UNDP, with two HRTJS staff, a national and an international officer, who continued to be located at the Provedoria’s Office. The PDHJ operated in accordance with the
Paris Principles and was able to retain its “A” status with the International Coordinating Committee for NHRI. Deficiencies in the financing of the PDHJ, however, had an impact on the capacity of the organization to respond to urgent issues in a timely and efficient manner.

During 2011, the new National Commission on the Rights of the Child issued its first public report based on consultations with children, parents, school personnel and Government officials that were held throughout the country from 2010-2011. The report was disseminated and the findings and recommendations were presented to the Government and civil society actors and opened for discussion at a public ceremony. HRTJS provided human rights training and financial support to the Commission. In November and December 2011, the Commission collaborated with UNICEF and HRTJS to promote birth registration for children of all ages. HRTJS provided financial and technical assistance, including for outreach in Oecusse, broadcast radio programmes and disseminated pamphlets.

During 2011, HRTJS highlighted 61 cases through a monthly reporting mechanism to the Prime Minister. HRTJS also assisted victims to file complaints with police disciplinary mechanisms and the judicial system. The majority of these cases are pending and the Government’s response cannot yet be determined.

Justice and accountability mechanisms (EA 3)

- The draft laws on the follow-up institution to the Commission for Reception, Truth and Reconciliation (CAVR - Comissão de Acolhimento, Verdade e Reconciliação) (named the Public Memory Institute in the current draft) and the reparations scheme were adopted in the first and second readings in 2010. Although the third reading has been pending since that time, however, in December 2011, it was announced that it will take place in February 2012. HRTJS provided technical and financial assistance for the drafting of both laws, support for the creation of a national victims’ association and advocated for the adoption of the draft laws.

- The Government made further progress in developing the legislative and policy framework for the PNTL, in particular with regard to disciplinary mechanisms. On 3 August 2011, the Council of Ministers approved a decree-law to amend the current legal framework on the PNTL disciplinary mechanism. UNMIT provided support for the drafting of the decree-law. In September 2011,
the draft was returned to the Superior Council of Security and Defence for further discussion. At the end of 2011, the draft decree-law was submitted to the Secretary of State for Security for further review, together with another draft under consideration.

**Access to Basic Services (EA 4)**

- Forum-DESK (Forum on Economic, Social and Cultural Rights), a national non-governmental organization (NGO), conducted targeted advocacy on the right to education. The advocacy developed out of monitoring it had conducted in 2010 in one subdistrict of the country as well as a seminar it had organized in May 2011 included the participation of, among others, Members of Parliament, the Ministry of Education, local authorities and civil society. In response to the concerns raised, the Ministry of Education included the rehabilitation of four schools in the subdistrict in its 2012 programme. The HRTJS has provided technical and financial support to Forum-DESK since 2009, including through training on international human rights standards, guidance on monitoring and data gathering for the research and comments on the research report.

**Participation (EA 5)**

- During the year, five NGO partners of the HRTJS conducted 16 human rights sessions at the community level in six districts in the country. These sessions included theatre performances about children’s rights, rights of persons with disabilities, the domestic violence law and the legal process for cases of domestic and gender-based violence. As a result of the programmes, in several instances of alleged human rights abuses, victims requested the assistance of partner NGOs and concerns were raised or complaints filed with relevant authorities. A total of 944 community members, including local authorities, participated in the different sessions (407 of whom were women).

- In 2010-2011, the Housing Rights Network conducted research on the housing situation in Timor-Leste in 10 villages across five districts of the country. The HRTJS has provided technical and financial support to Forum-DESK since 2009, including through training on international human rights standards, guidance on monitoring and data gathering for the research and comments on the research report.

**State engagement with human rights mechanisms (EA 6)**

- The Government submitted its report for the Universal Periodic Review (UPR) process on time, after conducting countrywide consultations to gather necessary data. Out of 125 recommendations, Timor-Leste accepted 46 and rejected one. It considered that 42 had already been implemented or were in the process of being implemented. Thirty-six recommendations will be examined and responded to at the Plenary of the Human Rights Council in March 2012. The HRTJS provided technical and financial assistance, including through training for the preparation of reporting guidelines and a questionnaire for data gathering.

- In March 2011, the PDHJ, with the technical support and assistance of the HRTJS, submitted a joint report with 55 civil society organizations (CSOs), for the Universal Periodic Review. The stakeholders undertook a comprehensive review of the State of Timor-Leste’s level of compliance with the human rights treaties it has ratified and made concrete recommendations on ways to improve the present situation.

**Human rights mainstreaming within the United Nations (EA 11)**

- In September 2011, HRTJS launched the first public report by a peacekeeping mission on the rights of persons with disabilities. The objectives of the report were to mainstream the rights of persons with disabilities into routine human rights work, create opportunities for persons with disabilities to participate in human rights activities and advocacy and raise awareness about the rights of persons with disabilities through public reporting and advocacy. The report reflected long-term research undertaken by HRTJS, including extensive research conducted in 2011. The findings and recommendations are being
used to facilitate discussion on how Government, civil society and international actors can work together to promote and protect the rights of persons with disabilities.

As the lead of the national Protection Cluster, HRTJS raised awareness and promoted land and housing rights at Protection Cluster meetings, including by preparing a joint letter to national authorities expressing concern over recent cases of forced evictions. Based on information gathered in monitoring, cases were referred to the relevant authorities and HRTJS provided technical support to advocacy efforts undertaken by national actors.

**Challenges and lessons learned**

HRTJS led the UN system transition planning for the rule of law, justice and human rights sector in partnership with the Ministry of Justice. In order to help address the main human rights challenges, the Government of Timor-Leste requested a continued field presence of OHCHR after UNMIT withdraws in 2012.

An OHCHR assessment mission in October 2011 suggested a continued OHCHR presence with a possible mandate focused on human rights monitoring and reporting, capacity-building and institutional support, as well as transitional justice. This would be carefully aligned with the Joint Transition Plan, signed by the Government of Timor-Leste and UNMIT and address most of the UPR recommendations issued in relation to Timor-Leste at the Human Rights Council in 2011. Discussions are ongoing within the UN system and with the Government on the appropriate form of post-UNMIT UN engagement, including in relation to human rights.

### Pilot project on economic, social and cultural rights

In a pilot project focusing on economic, social and cultural rights (ESCRs) conducted by UNMIT-HRTJS, one village was equipped with sanitary facilities and trained on maintenance. After an assessment, the Lontas village in the Bobonaro District was identified as the poorest in terms of accessibility and availability of basic services.

Through regular focus group discussions facilitated by the Section, priorities were identified by the community and access to sanitation was deemed to be the most critical. During 2011, the HRTJS conducted meetings with local authorities and NGOs to assess their expertise and capacity to respond to the sanitation needs of the community. As the Government was unable to carry out the required tasks, CARE International volunteered to provide technical support to build, use and maintain latrines. In September 2011, CARE conducted a training session for the community in the presence of local authorities, including an official from the Water and Sanitation Department. As of the end of 2011, the community had constructed two public toilets (one for men and one for women) with universal access while at least five households had started building private toilets. Moreover, CARE agreed to extend its support to the pilot project in 2012 and will continue to provide technical support for household toilet construction as well as training to the community on building latrines, their use and maintenance. The HRTJS will ensure community participation and provide financial support to purchase the required materials for the construction of the latrines. The project will continue until at least June 2012.
Human Rights Advisers to UN Country Teams

Papua New Guinea

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Background

Papua New Guinea (PNG) is a multiparty democracy with constitutional protection for human rights and a State Party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The country has increased its cooperation with the international human rights mechanisms in the last few years, as evidenced by its review by the CEDAW Committee in 2010, the mission of the Special Rapporteur on torture in 2010 and PNG’s Universal Periodic Review (UPR) in 2011. In spite of its legal framework of protection, implementation remains a key concern. Human rights violations by the police and correctional services are compounded by poor prison conditions and lengthy pre-trial detention. Violence against women is widespread in the home and is also perpetrated by State actors. There are very high rates of rape and violent crime as well as ineffective protection by law enforcement agencies. Insufficient resources, widespread corruption and the absence of a determined political leadership have compounded law and order problems in the country. The continued tribal conflicts, vigilantism and lack of protection by the State have augmented security concerns. More than one third of Papua New Guineans live in poverty with some of the highest rates of child and maternal mortality in the region.

A Human Rights Adviser (HRA) has been working with the United Nations Country Team (UNCT) in Papua New Guinea since 2008. OHCHR is providing technical assistance to the UNCT, the Government and strengthening the capacity of civil society to defend human rights.

Results

National laws, policies and institutions (EA 1)

The Royal Papua New Guinea Constabulary (RPNGC) increased its actions to investigate cases of police violence and hold perpetrators accountable. Throughout the year, the Police Commissioner and senior police officials issued public statements reiterating that 2011-2012 would be years of discipline. Advocacy by OHCHR and the recommendations of the Special Rapporteur on torture have contributed to this result. Furthermore, the Office supervised a human rights needs assessment of the RPNGC which will inform the next phase of the UN and RPNGC human rights capacity-building project in 2012. The project aims to increase the level of compliance of law enforcement with international human rights standards.
OHCHR provided technical assistance for the drafting of the enabling law in 2009-2010 and advocated throughout 2011 for the establishment of a national human rights commission to be made a national priority and submitted to Parliament for consideration. The Minister of Justice and the Minister of Community Development have not yet submitted the enabling legislation to the National Executive Council and Parliament.

Ratification (EA 2)

The Government signed the Convention on the Rights of Persons with Disabilities (CPRD) in 2011 and is considering ratification following OHCHR’s training for Government officials on the importance of the treaty. Following OHCHR’s advocacy, the Government is studying the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment and considering its ratification.

Participation (EA 5)

OHCHR created a Quarterly Human Rights Forum for enhanced dialogue on human rights and engagement with Government policymakers to advance the human rights agenda and promote the participation of civil society and other stakeholders. OHCHR also developed a communications strategy to advocate for greater human rights protection in PNG and disseminate information about human rights to the general public. This was done by strengthening networks of contacts, making use of the media, creating a website and holding an annual PNG human rights film festival. These outreach activities significantly improved access to human rights information and opportunities for public dialogue on how to advance the human rights agenda.

State engagement with human rights mechanisms (EA 6)

In 2011, the Government submitted its report to the UPR following technical assistance provided by OHCHR at all stages of the process, including the organization of a mock UPR session in PNG for the delegation. The Government also prepared an action plan to implement the concluding observations issued by the CEDAW Committee, with the support of the UN.

Civil society engagement with human rights mechanisms (EA 7)

Three civil society reports were submitted to the UPR following OHCHR’s training on monitoring, documenting and reporting on human rights.

An increased number of individual cases were submitted to special procedures under the communications procedure. As a result, four communications were sent to the Government of PNG in 2011, following OHCHR mentoring and facilitation.

Human rights mainstreaming within the United Nations (EA 11)

The UNCT integrated international human rights standards and principles into the new United Nations Development Assistance Framework (UNDAF) 2012-2015 following support by OHCHR, including training on human rights-based approaches to development. OHCHR also led the development of a four-year human rights strategy for the UNDAF and continued to chair the UN Human Rights Task Team.

Challenges and lessons learned

Continued political instability in Papua New Guinea led to frequent changes in Government ministries and portfolios. This presented a challenge to strengthening the national human rights protection systems and progress on legal and institutional reforms was delayed. A proposed visit by the High Commissioner in May 2011 was also postponed.

The impact of the HRA’s deployment was enhanced with consistent support from the OHCHR Regional Office in Suva, including missions by the Regional Representative and Regional Gender Adviser. The thematic focus of the HRA’s activities was closely aligned with OHCHR’s broader thematic priorities in the region and their work in PNG was often integrated into broader regional initiatives. During 2012, OHCHR will explore possibilities for strengthening its programme and presence in PNG.

Sri Lanka

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Background

More than two years after the end of the armed conflict in May 2009, major human rights challenges remain. By the end of 2011, the majority of the 280,000 internally displaced persons (IDPs) that had been displaced at the end of the war had left the main camp at Menik Farm. Nevertheless, these IDPs continued to face considerable challenges due to an absence of permanent shelter and livelihood options.
OHCHR has had a Senior Human Rights Adviser (HRA) based in Sri Lanka since June 2004. While the HRA’s core work has been to provide support to the United Nations Country Team (UNCT), the HRA also works on a number of areas of technical cooperation with the Government. This includes supporting the Human Rights Commission (HRC) and providing police training in order to improve their investigative capacities and prevent torture.

Results

National laws, policies and institutions (EA 1)

After a year and a half without commissioners in the Human Rights Commission of Sri Lanka, five new commissioners were appointed in February 2011. Although the HRC component of the UN Joint Programme on Human Rights has been ongoing since 2008, the arrival of the new commissioners and their active engagement with the project, as well as with OHCHR and the Asia Pacific Forum, enabled the project to dramatically increase its scale of support and activities. In addition, the commissioners agreed to two external OHCHR/APF/UNDP activities, including a high-level dialogue and full capacity assessment scheduled for 2012.

Following up on its voluntary commitments undertaken during its 2008 Universal Periodic Review (UPR), the Government of Sri Lanka developed a National Human Rights Action Plan (NHRAP) which was officially approved in September 2011 and launched in January 2012. Through the UN Joint Programme on Human Rights, the HRA provided good practices and guidelines on the process of developing the NHRAP and UNDP provided funding to support its development.

The Inspector General of Police approved the comprehensive training curriculum and lesson plan for the core human rights training programme of the Sri Lankan police. It was translated and printed in Sinhala, Tamil and English. The training-of-trainers on human rights and policing held by OHCHR in 2009 formed the basis for these training materials.

Human rights mainstreaming within the United Nations (EA 11)

OHCHR continued to play an active role as a member of various inter-agency fora which address human rights and protection issues, 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 disarmament, demobilization and reintegration.

Drafting of the new United Nations Development Assistance Framework (UNDAF) (2013-2017) began in 2011 and OHCHR worked throughout the process to advise on a human rights-based approach which was endorsed by the UNCT.

Challenges and lessons learned

During 2011, the Human Rights Adviser continued to develop areas of collaboration with Government partners, notwithstanding the sometimes difficult engagement between the Secretary-General and High Commissioner and the Government in relation to accountability issues.
OHCHR in the field: Europe and Central Asia

Comprised of 54 countries, the Europe and Central Asia region extends to members and associated members of the European Union, the Russian Federation, the five countries of Central Asia, countries of the Commonwealth of Independent States, the Russian Federation, South Caucasus and Turkey. The region also includes several disputed territories which continue to present particular difficulties in terms of human rights protection.

Human rights challenges in Europe and Central Asia cover a wide range of issues, including multiple forms of discrimination; rights of migrants; gender inequality, violence against women, and trafficking; torture and ill-treatment; inadequate detention conditions; poverty; administration of justice and independence of the judiciary; freedom of the media; and the situation of human rights defenders.

During the reporting period, OHCHR was represented in the region by the following field presences: two regional offices, one for Europe and one for Central Asia (including national officers deployed to Kazakhstan and Tajikistan); a stand-alone office in Kosovo and seven human rights advisers: a regional adviser for South Caucasus; international human rights advisers in the Republic of Moldova, the Russian Federation, Tajikistan and Ukraine (as of December 2011), and national human rights advisers in the former Yugoslav Republic of Macedonia and Serbia.

In 2011, the High Commissioner carried out a number of country visits to the region. Her visit to...
the Russian Federation in February 2011 created an opportunity for OHCHR to enhance its national and international engagement with the country and maintain its frank dialogue on critical human rights issues. The High Commissioner’s visit to the Republic of Moldova in November 2011 followed the country’s Universal Periodic Review (UPR) in the Human Rights Council and provided the optimal impetus for discussing human rights issues with the Government, civil society and other stakeholders, while also enhancing and consolidating OHCHR’s engagement with the country.

The High Commissioner also visited France within the framework of the Annual Consultation between the Government of France and OHCHR. The Deputy High Commissioner visited: Ireland in the context of the Dublin II Meeting on “Strengthening the United Nations Human Rights Treaty Body System;” Belfast, Northern Ireland, at the invitation of the Northern Ireland Human Rights Commission (NIHRC); Lithuania in the context of Lithuania’s Chairmanship in the Community of Democracies; and Poland to participate in the annual Fundamental Rights Conference.

OHCHR’s country-engagement work continued to focus on follow-up to concluding observations and recommendations of international human rights mechanisms, including treaty bodies, special procedures and UPR and the implementation of human rights projects on the ground. To advance human rights in the region, OHCHR maintained close contacts with regional organizations such as the Council of Europe, the European Union, the Organization for Security and Cooperation in Europe, as well as with UN departments and agencies, governmental institutions, national human rights institutions, parliamentarians, civil society organizations, think tanks and human rights activists. OHCHR’s work on the ground also focused on strengthening the capacity of States to implement their human rights commitments stemming from UN human rights treaties and mechanisms which required coordinated interaction across the Office, including the Human Rights Council and Special Procedures Division, the Human Rights Treaties Division and the Research and Right to Development Division.

### Stand-alone Office

#### Kosovo

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</table>

#### Background

During 2011, Kosovo continued to be supervised with final political authority vested in the European Union Special Representative (EUSR) and the International Civilian Representative (ICR). The EU’s Mission assumed some of the competences of the United Nations Interim Administration Mission in Kosovo (UNMIK) in the rule of law area. It is expected that the International Civilian Office (ICO) will be phased out in 2012. Four years after the unilateral declaration of independence, Kosovo was recognized as a State by 85 Member States of the United Nations. The country, however, remains outside of major international and regional organizations (UN and Council of Europe). The political environment remained complex throughout 2011, with a serious deterioration of the situation in the north of Kosovo that triggered several interventions by the NATO Kosovo Force (KFOR). Dialogue between Belgrade and Pristina, which resumed in 2011, was carried out under the auspices of the EU and resulted in limited progress on selected technical issues.

In 2011, OHCHR’s Stand-alone Office in Kosovo focused on: monitoring the human rights situation; supporting the process of reporting to the UN treaty bodies by UNMIK; advising local institutions on human rights issues, including on compliance of legislation with international human rights standards and providing training on human rights indicators; supporting the Ombudsperson institution, particularly the process of appointing the Ombudsperson’s deputies; and providing support and advice to the UN Agencies working in Kosovo on human rights issues. OHCHR also provided support in the field of transitional justice with a special focus on witness protection, monitoring of war crimes and ethnically motivated crimes and in relation to initiatives undertaken by civil society organizations (CSOs) to deal with the past. Also during 2011, OHCHR ensured particular attention was paid to the issue of non-discrimination by building partnerships with civil society organizations.

Reference to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.
in order to collaboratively advocate for the amendment of the Anti-Discrimination Law and provide legal aid to alleged victims of discrimination with a special focus on marginalized groups.

As part of a United Nations Kosovo Team (UNKT) joint programme based in Mitrovica, OHCHR carried out capacity-building projects for civil society organizations and other local stakeholders on human rights and regularly monitored the human rights situation in the north. To bring the UN effort and presence into alignment with Kosovo development plans, UNKT produced a Common Development Plan (CDP 2011-2015, equivalent to the United Nations Development Assistance Framework (UNDAF)). The UN Strategic Framework (UNSF 2010-2012) was developed to adapt the UN’s mandate under Security Council resolution 1244 to the realities on the ground. OHCHR is an active partner and contributor to both processes.

Results

National laws, policies and institutions (EA 1)

Target: The Ombudsperson institution has been fully staffed and is functioning according to the Paris Principles.

In October, the Kosovo Assembly appointed five deputy Ombudspersons through a transparent process that complied with statutory requirements on minority and gender representation. OHCHR substantially contributed to this process by providing comments on the rules of procedure relating to the selection process and technical assistance on the Paris Principles. The entire selection process was also monitored by civil society organizations and international agencies present in Kosovo. For the first time since its establishment and the transfer of authority to Kosovo institutions, the Ombudsperson institution is fully staffed. Upon the selection of the deputy Ombudspersons, OHCHR worked in close cooperation with the institution and provided substantial guidance and support in addressing discriminatory legislative provisions. By the end of 2011, the Ombudsperson institution processed its first case to the Constitutional Court with positive outcomes.

Result achieved for which no target was set: In November, OHCHR commissioned a study which resulted in an internal report with recommendations to improve the existing Law on Witness Protection adopted by the Kosovo Assembly and enhance its compliance with human rights standards. The report examines current practices with respect to the protection of witnesses and victims and will be launched in 2012.

Justice and accountability mechanisms (EA 3)

Target: Kosovo authorities have endorsed the Statute of the Regional Commission (RECOM) for establishing the facts relating to serious human rights violations committed during the wars in the former Yugoslavia.

The adoption of RECOM’s draft Statute in March 2011 signalled the conclusion of the consultation process undertaken to establish the facts about war crimes. Kosovo’s Prime Minister supported the initiative and promised to be personally engaged with other institutions in Kosovo in relation to the endorsement of the RECOM draft Statute developed to establish the facts relating to serious human rights violations committed during the wars in the former Yugoslavia. This initiative has the support of the international community, including the EU and OHCHR. The Office has actively participated in the consultation process and provided advice and suggestions on various provisions of the draft Statute. OHCHR’s main contribution was related to the terms and definitions used and their harmonization with the definitions used in international human rights treaties. OHCHR furthermore supported civil society efforts in addressing issues pertaining to transitional justice within Kosovo and at the
regional level. OHCHR supported the mobilization of civil society to identify adequate and nationally-owned transitional justice solutions and has actively participated and provided technical assistance in the regional consultative process held in 2011.

**Target: National Preventive Mechanism (NPM) against torture in Kosovo is established and functional (as per the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)).**

A cooperation agreement between the Ombudsperson, the Kosovo Rehabilitation Centre for Torture Victims and the Council of Defence of Human Rights and Freedoms collaborated to establish an NPM that will enter into force in May 2012. This agreement constitutes the legal basis for cooperation between these organizations and expresses a joint commitment to establish the NPM. It is expected that this mechanism will pave the way for eventual ratification of OP-CAT and the establishment of a permanent, sustainable and nationally financed body mandated to strengthen the rights of people deprived of their liberty. OHCHR provided significant assistance to efforts for the establishment of the mechanism, inter alia, by improving coordination and disseminating information on good practices to monitoring actors in Kosovo. OHCHR regularly attended consultative meetings prior to the conclusion of the agreement and organized two workshops for civil society organizations, the Ministry of Justice and correctional service staff.

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

**Target: Anti-discrimination law and other related legislation is amended and appropriate mechanisms have been established.**

The Advisory Office on Good Governance/Office of the Prime Minister (AOGG/OPM), the main coordinating structure for the implementation of the Kosovo Action Plan on the implementation of the Anti-Discrimination Law, established a multi-sectoral working group to develop an updated Action Plan. OHCHR maintained its sustained advocacy for the revision and amendment of the Law which entered into force in 2004. Implementation remained very low at all levels. The Office directed its efforts towards two objectives: a) focusing on the policy level to influence the initiation of the revision and amendment of the Law; b) supporting local non-governmental organizations (NGOs) to increase the demand for its implementation while ensuring local ownership of the process. As part of the working group, OHCHR presented its policy recommendations and provided comparative research on equality bodies that could be used as a model by Kosovo institutions. Together with the Organization for Security and Co-operation in Europe (OSCE), OHCHR will continue to be one of the drivers and substantive contributors to the process.

**Participation (EA 5)**

**Target: At least five NGOs have effectively advocated for the implementation of the Anti-Discrimination Law and Gender Equality Law.**

The Office continued to promote the methodology of strategic litigation to create demand by individuals and certain marginalized groups for implementation of the Anti-Discrimination Law and to test the judicial system’s response to anti-discrimination cases. In this context, the Office supported the European Centre for Minority Initiatives (ECMI), a local non-governmental organization that works primarily on minority issues, which provided legal aid to 44 cases of alleged discrimination related to, inter alia, restoration of destroyed property and return of seized property, access to records and obtaining personal documents and repatriation. In addition, ECMI drafted a report on the pattern of segregation of Roma children in separate classrooms. The report outlines a set of recommendations to the Ministry of Education for the adoption of administrative instructions that are based on the Law on Primary Education and existing inclusive policies to stop discriminatory practices at school. Another local partner of OHCHR, the Youth Initiative on Human Rights (YIHR), received technical advice on drafting a report on the implementation of the Anti-Discrimination Law in Kosovo. The report was issued in December 2011 and highlights weaknesses in existing legislation and gaps in institutional capacity related to implementation of the Law. Although unrelated to advocacy for the implementation of the Anti-Discrimination Law, OHCHR distributed small grants to civil society organizations in Mitrovica and Zveçan to carry out activities focused on: the promotion and protection of human rights, such as campaigning for ratification or implementation of human rights instruments, as well as monitoring, documentation, legal aid, strengthening the rule of law and improving access to justice.

**State engagement with human rights mechanisms (EA 6)**

**Target: More than 50 per cent of recommendations issued by the committees of the**
International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), special procedures and other mechanisms, as per ad-hoc arrangements on Kosovo, were implemented.

In February 2011, UNMIK submitted a letter to the Committee on the Rights of the Child (CRC) along with the Government’s report. The letter explained the new situation created in Kosovo after the 2008 declaration of independence and acknowledged that the realities on the ground have effectively nullified UNMIK’s authority and capacity to compile and provide information on the implementation of human rights treaties in Kosovo. OHCHR’s efforts to facilitate dialogue between UNMIK, Kosovo authorities and the international human rights treaty bodies proved to be increasingly difficult. On the one hand, none of the treaty bodies adopted a specific position which would enable their consideration of the human rights situation in Kosovo without prejudice to its political status. On the other hand, the previous practice employed by UNMIK of compiling reports in partnership with the then-Provisional Institutions of Self Government (PISG) no longer seemed tenable. The Government expressed an interest in drafting substantive reports and pledged its commitment to monitoring the full implementation of the obligations of human rights treaties which are enshrined in the Kosovo Constitution. The Government has nevertheless been reluctant to accept any formal representation by other international institutions, including UNMIK, in international human rights mechanisms. In this context, the Office continued to reiterate the need for capacity-building within the relatively new Kosovo institutions on human rights accountability. OHCHR continuously advocated with UN agencies and major donors on the need to allocate resources and mainstream human rights through their technical assistance.

Civil society engagement with human rights mechanisms (EA 7)

Target: At least 10 substantive documents submitted to treaty bodies and special procedures, by the national human rights institution (NHRI), civil society and individuals.

The Office played an intermediary role between civil society organizations and the Working Group on discrimination against women in law and in practice. The Office submitted a report to the Working Group, produced by the “Kosovo Centre for Gender Studies,” and a documentary film prepared by the Kosovo Agency for Gender Equality. These materials will be assessed by the Working Group in its February 2012 session.

Human rights mainstreaming within the United Nations (EA 11)

Target: The UN Common Development Plan and joint UN Kosovo Team programmes have integrated UN guidelines on human rights-based approaches to a substantial extent.

As part of the process of drafting the UN Strategic Framework, UNMIK and the UNKT jointly identified thematic areas of crucial importance to peace consolidation in Kosovo. The analysis that shaped the UNSF was further developed by the UNKT to prepare the CDP. OHCHR contributed substantially to the development of both documents by providing technical support on a human rights-based approach and actively participating in their implementation structures. OHCHR co-chairs the UNSF Human Rights and Gender Group which focuses on coordinating efforts related to treaty body reporting. The Office also supports CDP implementation by contributing to the Policy and Accountability Group and the Monitoring, Evaluation, Research and Policy Group. OHCHR’s work on non-discrimination, policy advocacy and human rights indicators and in supporting the Ombudsperson institution directly contributes to the implementation of the CDP.
Challenges and lessons learned

The Human Rights Advisory Panel (HRAP) examines complaints of alleged human rights violations committed by or attributable to UNMIK (during the period it had executive authority). The Panel continued to review cases and when appropriate, makes recommendations to the Special Representative of the Secretary-General (SRSG) in Kosovo. A number of challenges have emerged in its implementation, more specifically, in relation to UN policies providing for the payment of compensation.

In the planning for the HRAP and legislative measures in 2006, it was assumed that UNMIK would have access to the Kosovo budget, which it administered, in the event it needed to implement recommendations for compensation. When HRAP issued its first Opinion on the merits of a case in November 2008 (its recommendations included compensation) UNMIK was essentially unable to order corrective action and lacked the authority to order payment of compensation from the Kosovo budget. Similarly, General Assembly resolution A/RES/52/247 of 17 July 1998 does not allow UNMIK to pay compensation from UN funds for non-material damages. More than 200 out of 450 cases that are pending before the Panel relate to the payment of compensation for non-material damages. As it is reasonable to expect that the Panel will follow its case law and systematically recommend compensation for findings of violations, it is likely that the problem will reach considerable proportions.

No solution has yet been identified for financial compensation. In this sense, the victims in many cases are currently or potentially without an effective remedy. An effective resolution to this issue could set an important precedent for future UN or international missions with an executive mandate.

<table>
<thead>
<tr>
<th>Kosovo: Expenditure in 2011</th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
<td>-</td>
<td>604,537</td>
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<td>Consultants</td>
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<td>Official travel</td>
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<td>Seminars, grants &amp; contributions</td>
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<td>Subtotal</td>
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<tr>
<td>Programme support costs</td>
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</tr>
<tr>
<td>GRAND TOTAL</td>
<td>-</td>
<td>763,666</td>
</tr>
</tbody>
</table>
Regional Offices

Regional Office for Central Asia (Bishkek, Kyrgyz Republic)

Year established 2008
Staff as of 31 December 2011 8
Expenditure in 2011 US$1,187,943

Background

The five countries of Central Asia, namely Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, represent a range of economic, social and political situations which impact on the enjoyment of human rights in these countries. The struggle for the protection of human rights and fundamental freedoms is hampered by, inter alia: legislation that fails to comply with international human rights standards; State institutions that lack accountability in relation to human rights issues; a poor understanding among State authorities of the concepts and value of human rights; the predominant role of General Prosecutors within the apparatus of law enforcement combined with inadequate checks and balances; weak instruments for the protection of human rights; and a lack of awareness and knowledge among the population of human rights issues.

The Regional Office for Central Asia (ROCA) continued to operate in accordance with the June 2008 Agreement with the Government of Kyrgyzstan. ROCA primarily works in Kazakhstan, Kyrgyzstan and Tajikistan and provides technical assistance to a joint OHCHR/UNDP project in Turkmenistan, which seeks to strengthen the national capacity of Turkmenistan to promote and protect human rights. ROCA regularly engages with Governments, national human rights institutions (NHRIs) and civil society to promote and protect human rights and substantially contributes to national efforts focused on the integration of recommendations formulated by treaty bodies, special procedures and the Universal Periodic Review (UPR). In coordination with ROCA, the OHCHR Mission to Osh (OMO) continued to monitor and report on the human rights situation in the south of Kyrgyzstan and undertook capacity-building activities to support local efforts to promote and protect international human rights standards.

Results

National laws, policies and institutions (EA 1)

- As a result of OHCHR advocacy efforts in Kazakhstan, Kyrgyzstan and Tajikistan, the Ombudsman institutions of these countries expressed their intention to undergo an assessment of their compliance with the Paris Principles. ROCA assisted these institutions in their preparation of statements of compliance with the Paris Principles for the International Coordinating Committee of National Institutions. In December, applications from all three institutions were submitted along with other supporting documents. They are due to be reviewed by the Sub-Committee on Accreditation of the International Coordinating Committee in March 2012.
- Kyrgyzstan’s Ministry of Justice prepared the first draft of the National Legal Policy Concept Paper for 2012-2016. The Concept Paper outlines plans to modernize current national legislation; reform law enforcement bodies and the judicial system; increase legal literacy among the population and civil servants; and improve mechanisms for the protection of human rights, State governance and legal regulation. In November, the finalized draft was discussed at the Ministry of Justice with the participation of the Vice-Prime Minister. The Concept Paper was uploaded to the Ministry’s website for comments from the general public and non-governmental organizations (NGOs). The Ministry of Justice received technical support from ROCA in the preparation of the Concept Paper.
- The Government of Kyrgyzstan established a Council for the selection of judges in order to promote greater independence of the judiciary and compliance with standards of international human rights and the rule of law. ROCA advised and supported the process.
- Beginning in April 2011, the Government of Kyrgyzstan undertook sustained efforts to develop a concept paper on ethnicity which seeks to outline key principles and policies directed at fostering inter-ethnic cooperation, societal consolidation and respect for minority rights in Kyrgyzstan. The passage of the Concept Paper in Parliament was delayed due to presidential elections and the formation of the new Government at the end of 2011. It is expected that the Government will consider this important piece of legislation in 2012. ROCA supported the process with the provision of technical advice and advocacy with partners regarding international norms and standards of minority protection and Kyrgyzstan’s relevant international obligations.
Since 2010, the OHCHR Mission to Osh has advocated with central and local Kyrgyz authorities to urgently address the ongoing impunity of law enforcement officials for torture and ill-treatment. In 2011, concrete remedial steps were elaborated in three orders of the General Prosecutor which strengthened prosecutorial oversight of detainees and pressed for investigations to hold perpetrators accountable. OMO supported the process by hosting the General Prosecutor’s first meeting with local human rights organizations in southern Kyrgyzstan and monitored the implementation of the General Prosecutor’s instructions through regular meetings with local prosecutors. OMO facilitated the establishment of mechanisms to encourage regular and collaborative dialogue between prosecutors and the human rights organizations to prevent torture and combat impunity. OMO also participated in the meetings as an independent observer.

Ratification (EA 2)

In September 2011, Kyrgyzstan signed the Convention on the Rights of Persons with Disabilities. ROCA supported consultations that contributed to an understanding of the Convention and advocated for its signature and ratification.

Justice and accountability mechanisms (EA 3)

In May 2011, a draft law was submitted by a group of Parliamentarians to the Kyrgyz Parliament on the National Preventive Mechanism, in compliance with the requirements of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). ROCA substantially contributed to the elaboration of the draft law through, inter alia, the provision of technical expertise from a national expert who advised on and promoted the implementation of OP-CAT standards. The Office also conducted advocacy during high-level meetings with relevant Government officials and Members of Parliament. In October 2011, the draft law and a package of amendments related to other legislative acts were adopted by the Human Rights Parliamentary Committee and considered at the plenary session of Parliament. The October Presidential elections, re-shuffling of the Government and establishment of the new Parliamentary coalition resulted in further delays in the adoption of the draft legislation. It is anticipated that the draft will be considered at the beginning of 2012.

Access to justice and basic services (EA 4)

In order to contribute to the restoration of justice and promotion and protection of human rights, five Kyrgyz human rights NGOs, namely: “Adilet,” “KylymShamy,” “Citizens Against Corruption,” “Spravedlivost” and the “Human Rights Advocacy Centre,” provided free legal aid to the population affected during and after the June 2010 violence that erupted in southern Kyrgyzstan. The five NGOs received technical and financial support from ROCA and maintained a network of lawyers with expertise in criminal law. The lawyers remained on call seven days a week and provided immediate legal representation to individuals who were arrested. By the end of the year, more than 12 legal clinics had been opened in several districts of the Osh and Jalal-Abad regions, including in marginalized areas of the country.

ROCA supported the local NGO Public Association of Social Protection of the Population (“OOSZN”) in providing legal aid and humanitarian assistance to homeless people in Jalal-Abad, Southern Kyrgyzstan, and highlighted ways and means that local authorities could address issues related to the prevention and reduction of homelessness.

Participation (EA 5)

In Kyrgyzstan, three training events were organized by one of ROCA’s implementing partners, the NGO “Voice of Freedom,” on the issue of access to information for human rights defenders, journalists and civil society activists and regarding how to make inquiries to and obtain information from State bodies. As a follow-up to these events, social networking platforms were used to share experiences on making inquiries, receiving answers and
interacting with State authorities in relation to access to information.

- In May 2011, one of ROCA’s NGO partners, “Civil Initiative on Internet Policy” (CIIP), developed a website dedicated to human rights in Kyrgyzstan which contains human rights-related news, articles and reports. The site will serve as a platform for human rights NGOs and is anticipated to be expanded to include an interactive map of human rights violations and a human rights legislation database. Between May and December 2011, CIIP monitored Kyrgyzstan’s media and prepared reports on inter-ethnic relations and freedom of speech. The reports present an overview of restrictions on freedom of speech, defamation, violence against journalists, ethnic slurs, regionalism and language-related issues. ROCA provided advice, guidance and technical assistance to this process.

- From July 2011, the NGO “Independent Human Rights Group” held regular meetings with a group of Kyrgyz human rights defenders and lawyers. These meetings created a synergy in the undertaking of human rights activities and provision of legal aid and served as a platform for consultations and an exchange of good practices among its participants, including in relation to the preparation and submission of individual communications to the UN Human Rights Committee and special procedures. ROCA supported these consultations through assistance and advice.

- The “Adilet” Legal Clinic monitored the application of State policy during the drafting of legislation through consultations with civil society partners and the authorities. Adilet raised specific human rights cases with State authorities and provided comments and recommendations meant to strengthen policies on the rule of law and their compliance with human rights standards. Adilet receives financial and technical support from ROCA.

- ROCA organized a regional conference in Bishkek on strategies to ensure the effective participation of ethnic minorities in public life in the Central Asian region. The conference was attended by the President of Kyrgyzstan, as well as high-level Government officials, NHRIs and representatives of civil society and international organizations from Kazakhstan, Kyrgyzstan and Tajikistan. Conference participants adopted a concluding statement with a commitment to strengthen the participation of ethnic minorities in the respective countries.

### State engagement with human rights mechanisms (EA 6)

- To support UPR follow-up, ROCA, the Ministry of Justice and UNDP Kazakhstan co-organized a series of roundtables across the country to raise awareness of the UPR recommendations. The roundtables also provided a platform for the presentation of the Ministry’s draft national plan of action on the implementation of the recommendations. The draft plan was posted on the Ministry’s website to generate feedback and recommendations on further elaboration. As a result of the roundtable, the National Human Rights Action Plan was adopted as a legally binding act.

- In April 2011, Kazakhstan’s Ministry of Foreign Affairs hosted a regional conference to support follow-up to the UPR recommendations and promote the abolition of the death penalty. ROCA and Penal Reform International supported the conference which brought together representatives of Governments, civil society and academia from Kazakhstan, Kyrgyzstan and Tajikistan. The participants endorsed a number of recommendations for all three countries, including the full abolition of the death penalty and accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

### Human rights mainstreaming within the United Nations (EA 11)

- Human rights standards and principles are increasingly reflected in country policies, programming of individual agencies and advocacy initiatives of representatives from the international community. In Kyrgyzstan, ROCA chaired three working groups that were established in the aftermath of the June 2010 violence in southern Kyrgyzstan and focused on: the rule of law, human rights and reconciliation and conflict prevention.

### Challenges and lessons learned

Following the June 2010 violence in Kyrgyzstan, OHCHR aimed to ensure an immediate and effective response to allegations of human rights violations by adopting a comprehensive approach to monitoring, reporting and advocating on human rights situations in the humanitarian context. As a result, OHCHR clearly identified priority human rights concerns, including the use and practice of torture and ill-treatment by law enforcement bodies; and serious gaps in the administration of justice, including the absence of fair trial guarantees, non-independence
of the judiciary and limitations of the legal profession. OHCHR devised activities to effectively respond to this post-emergency situation, such as tailored workshops for lawyers and civil society representatives monitoring and documenting torture cases and a mentoring programme between international experts and national lawyers related to undertaking strategic litigation of torture cases in domestic and international proceedings.

Within this context, OHCHR also focused its efforts on monitoring and responding to violations of civil and political rights, such as arbitrary arrests, illegal detentions, allegations of torture and ill-treatment and other serious human rights violations that needed an immediate response. As the national focus shifted to peacebuilding, it became evident that violations of economic, social and cultural rights had also occurred with far-reaching consequences, including the increased vulnerability of ethnic minorities. International attention had focused on discrimination in the context of police investigations and judicial proceedings (i.e., arrests and detentions, unfair trials), yet missed other forms of ethnic discrimination (i.e., illegal seizure of businesses, land occupation and attacks against the property rights of ethnic minorities). In response, OHCHR broadened its monitoring activities by undertaking outreach work in local communities to obtain a comprehensive overview of all potential human rights concerns.

### Regional Office for Central Asia (Bishkek, Kyrgyz Republic): Expenditure in 2011

<table>
<thead>
<tr>
<th></th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
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<td>50,171</td>
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<td>Consultants</td>
<td>1,968</td>
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<td>Subtotal</td>
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<td>Programme support costs</td>
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<td><strong>GRAND TOTAL</strong></td>
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Regional Office for Europe (Brussels, Belgium)

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<tr>
<th>Information</th>
<th>Details</th>
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<tr>
<td>Year established</td>
<td>2009</td>
</tr>
<tr>
<td>Staff as of 31 December 2011</td>
<td>3</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$1,434,938</td>
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Background

The Regional Office for Europe (ROE) is based in Brussels, the seat of key institutions of the European Union, namely the European Commission, the Council of the European Union and the European Parliament. ROE follows developments relevant to human rights in the internal and external policies of the European Union, EU candidate countries and European countries which are not part of the EU (covering a total of 40 countries). It provides legal guidance and advocacy with a view to contributing to increased compliance with and awareness of human rights standards and the recommendations issued by human rights mechanisms. ROE also serves as a liaison office for the EU Agency for Fundamental Rights in Vienna and the Council of Europe in Strasbourg. The main human rights issues in the region include: discrimination against and exclusion of members of ethnic minorities, particularly the Roma; accessibility of services to persons with disabilities and their segregation from the community; maximum standards of protection for victims of trafficking in persons; violence against women; access to basic social services for migrants and detention conditions of migrants; administration of justice; and unsatisfactory child protection systems which over emphasize the placement of children in institutional care. ROE became fully operational in January 2010 and since that time, has gradually increased its visibility as an active partner of the main EU institutions, the United Nations Team (UNT) in Brussels, national human rights institutions (NHRIs) and other civil society organizations (CSOs) based in Brussels and countries across the region. While ROE’s efforts in 2010 were primarily focused on engagement with EU institutions, in 2011, it expanded its engagement to emphasize human rights issues and priority thematic areas within EU member states and countries in the region; a focus that will be expanded in the next biennium.

Results

National laws, policies and institutions (EA 1)

- **Target:** EU legislation and policies on three areas (discrimination; rule of law; migration) have significantly improved their compliance with international human rights standards.

In 2011, the European Commission adopted the EU Framework for National Roma Integration Strategies to complement and reinforce the EU’s equality legislation and policies by addressing the needs of Roma in the following four priority areas: equal access to employment, education, housing and healthcare. Although the process of drafting the Framework could have benefited from wide consultation, its content generally complies with international human rights standards. ROE advocated with key stakeholders, such as the European Commission and civil society, to ensure that the Framework contained key elements of a human rights-based approach to Roma integration. ROE also provided guidance to EU member states and civil society organizations in the design and implementation of their respective national strategies.

The EU addressed the issue of unaccompanied children in the context of its 2010-2014 Stockholm Programme. The European Commission’s Action Plan on Unaccompanied Minors will be implemented in that timeframe. ROE organized a judicial colloquium on the implementation of article 3 (best interests of the child) of the Convention on the Rights of Children in Europe. During the colloquium, judges from national and regional courts in Europe shared their experiences and good practices in determining the best interests of the child in specific procedures related to migrant children, including unaccompanied and separated children. A study prepared after the colloquium provided a review of judicial decisions from
regional and national courts and identified a number of relevant cases. It is expected that this study will serve as a valuable legal advocacy tool in guiding future relevant jurisprudence and policy throughout Europe.

The EU agency FRONTEX (tasked with coordinating operational cooperation between EU member states on border security) produced a Trainer’s Manual on Anti-Trafficking Training for Border Guards in 2011. The manual will be used in national-level trainings of border guards. In cooperation with other UN and regional bodies, ROE provided legal and technical advice on the compliance of the FRONTEX manual with existing international and regional human rights standards.

In 2011, the European Commission proposed a number of legislative initiatives to ensure that all victims of crimes have the same rights, regardless of their nationality or where in the EU the crime took place. The draft directive on victims of crime is an important development in the harmonization of legislation and protection of all victims of crime. Nevertheless, some articles need to be modified to ensure that the human rights of victims are fully respected. ROE, UNHCR, UNICEF, UNODC and UN Women prepared a joint set of comments addressed to the European Commission on the draft directive to bring it in full compliance with international human rights standards.

**State engagement with human rights mechanisms (EA 6)**

- **Target:** Seven countries of those participating in the regional Universal Periodic Review (UPR) follow-up workshop achieved significant progress...

In March 2011, ROE organized a follow-up workshop on the outcomes and recommendations of the UPR and other human rights mechanisms for representatives of Governments, NHRIs and CSOs from countries in the region that had been reviewed by the Human Rights Council up to the sixth UPR session. The workshop was attended by representatives from 17 countries as well as the UNT in Brussels, the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR). Following the issuance of its UPR recommendations, Switzerland reported that it had signed the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse and noted that certain adaptations needed to be made to its criminal law. The Czech Republic acted on its UPR recommendation regarding alternative measures to the institutionalization of children by adopting a law prohibiting the placement of children under the age of three years in institutional care. In November 2011, under the auspices of the Czech Ministry of Labour and Social Affairs, ROE organized a subregional workshop on the care for vulnerable children under the age of three years. Lessons learned and good practices were exchanged among countries in the subregion. In accordance with various UPR recommendations on taking measures to combat violence against women and gender-based violence, France, Montenegro, Norway, Portugal and the former Yugoslav Republic of Macedonia signed the...
Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in 2011. The Convention will not enter into force until it has been ratified by 10 countries (eight of which must be EU member states). ROE undertook a joint advocacy event with the Council of Europe to support ratification of the Convention.

**Target: 10 out of 12 countries participating in an OHCHR briefing submit reports which fully conform to reporting guidelines, reflecting a participatory process.**

In October 2011, ROE organized a briefing for countries in the region on the common core document and the treaty-specific lists of issues prior to reporting. Representatives of 27 countries from the region participated in the event. Knowledge about reporting procedures throughout the region was diverse. While some countries have adopted them, others have only examined the possibility of doing so. ROE will continue to monitor the reporting status of participating countries.

**Target: Very high proportion of consultations with the EU and visits by the special procedures to countries in the region secured within 12 months of request.**

The Regional Office organized a range of meetings and briefings in Brussels with key stakeholders from the EU (i.e., European External Action Service, European Parliament Sub-Committee on Human Rights, various Directorates General of the European Commission, representatives of member states in Brussels), civil society and members of the UNT in Brussels for the respective visits of the Special Rapporteur on the human rights situation in Iran, the Special Rapporteur on freedom of religion or belief and the Independent Expert on Haiti. In the fall of 2010, ROE initiated the process of a visit to Brussels by the Special Rapporteur on violence against women. The visit took place in June 2011 and consisted of: a regional consultation with key civil society stakeholders on the issue; meetings with the Council of Europe’s Committee on Equal Opportunities for Women and Men; interventions at the European Parliament Committee for Women’s Rights and Gender Equality (FEMM) and the European Union’s Working Group on Africa; and meetings with the Head of Cabinet, Vice-President of the European Commission and Commissioner for Justice, Fundamental Rights and Citizenship and the Chair of the European Parliament Subcommittee on Human Rights.

**Human rights mainstreaming within the United Nations (EA 11)**

- **Target: Joint submissions with the United Nations Office in Brussels to influence EU policy and legislation to fully reflect the UN’s guidelines on a human rights-based approach.**

In collaboration with other agencies in the UNT in Brussels, ROE prepared several joint submissions to EU institutions in 2011. For example, ROE took the lead in the joint preparation, with UNODC and UNICEF, of a submission to the European Commission on a green paper related to the application of EU criminal justice legislation in the field of detention to ensure that international human rights standards are taken into account in relevant EU actions. ROE also prepared, in collaboration with ILO, UNHCR, UNICEF, UNODC and UN Women, a commentary and guide on the application of a human rights-based approach to the transposition into national legislation of the EU Anti-Trafficking Directive.

**Challenges and lessons learned**

The global economic crisis continues to have an adverse impact on the social situation and policies of a number of EU member states, particularly those in Eastern and Southern Europe. Austerity measures resulting in cuts to social services are having an impact on access to services by the most vulnerable, including migrants, ethnic minorities, children, persons with disabilities, refugees and asylum-seekers, as well as across societies as a whole. These measures are also causing setbacks in development as evidenced by cuts to community-based, person-centred services, while large institutions remain unaffected. Within this context, challenges faced by ROE include finding ways to ensure that funding cuts do not come at the expense of the protection of human rights. ROE is continuing to prioritize advocacy against the institutionalization of older persons, children deprived of parental care and persons with disabilities (particularly those with intellectual and mental disabilities), in favour of community-based care in accordance with a human rights-based approach. In June 2011, ROE launched a report entitled “Forgotten Europeans, Forgotten Rights,” which compiles international and regional standards related to the human rights of persons who have been placed in institutions and launched a joint call to action (with UNICEF) to stop the institutional placement of children under the age of three years. ROE has organized a
series of initiatives to address this issue. As a follow-up to the launch, ROE organized a workshop in Prague, Czech Republic in November 2011 to provide a forum of exchange between 17 countries in Central and Eastern Europe on the development of family-based care for children under the age of three years. Similar events are planned for 2012 regarding the use of European Union Structural Funds for the independent living of persons with disabilities and the rights of older persons.

Human Rights Advisers to UN Country Teams

Republic of Moldova

<table>
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<tr>
<th>Year established</th>
<th>2008</th>
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<tr>
<td>Staff as of 31 December 2011</td>
<td>1</td>
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Background

The Republic of Moldova remained in a political stalemate during 2011. Efforts to elect a president, ongoing since 2009, were unsuccessful. Renewed parliamentary elections are a distinct possibility for 2012.

During 2011, the Republic of Moldova was reviewed for the first time under the Universal Periodic Review (UPR). The High Commissioner for Human Rights visited the country for the first time and the Special Rapporteur on freedom of religion or belief undertook a mission in September. The Republic of Moldova was also reviewed by the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on Economic, Social and Cultural Rights (CESCR). Following these engagements, a number of areas of reform were further clarified. The Government acted on a number of recommendations issued by international human rights mechanisms resulting in: the first official recognition of a Muslim community; an initiative of discussions on amendments to the regulatory regime for religious communities; a review of the Law on HIV/AIDS; and steps taken towards an improved Action Plan related to Roma. The National Human Rights Action Plan was approved in the first half of the year and the comprehensive Justice Reform Strategy was approved by Parliament in December. The Government also adopted a data protection law in 2011.

Despite the progress achieved in the areas of law and governance, concerns remain regarding diverse human rights and social inclusion issues, such as the treatment of persons in detention; the rights of patients; the social inclusion of persons with disabilities; protection against discrimination for a range of persons and groups including lesbian, gay, bisexual and transgender (LGBT) persons and groups, persons with stigmatized diseases such as HIV/AIDS, religious and linguistic minorities, and Roma; freedom of religion, conscience and belief; and the accuracy and adequacy of data and other information in key sectoral fields related to social inclusion. In addition, a number of reform initiatives were not yet completed. In February, the Government submitted a draft law on anti-discrimination to Parliament for the second time but withdrew the bill following mobilized conservative opposition. Other draft amended laws that are in progress focus on the social inclusion of persons with disabilities, HIV/AIDS and tuberculosis. Amendments to the Criminal Procedure Code are also pending and revisions to the Law on Equal Opportunities between Men and Women have apparently stalled. In Transnistria, very serious human rights concerns remain, but following peaceful elections, the year ended with its first ever change in leadership.

During this period, the Human Rights Adviser (HRA), in cooperation with the UN Resident Coordinator, has played a crucial role in human rights reform in the Republic of Moldova. UN agencies worked to coordinate with the Resident
Coordinator to provide expert inputs for the shaping of draft laws, regulations and policies, and respond to emerging key human rights issues. In recognition of the expertise provided by OHCHR, the HRA has actively participated in processes such as the biennial EU-Moldova human rights expert meeting and dialogues. The HRA has increasingly been seen as a key expert adviser by Government, civil society organizations (CSOs), the national human rights institution (NHRI) and the international community working on human rights in the Republic of Moldova.

**Results**

**National laws, policies and institutions (EA 1)**
- The National Human Rights Action Plan was successfully adopted in June 2011. Both the Government and civil society organizations were supported in the development of the Plan.
- In February, the Government submitted a draft law on anti-discrimination to Parliament for the second time, but withdrew it due to the opposition it faced. The Human Rights Adviser advocated for its approval; supported CSOs in their advocacy efforts; assisted the United Nations Country Team (UNCT) in providing comments on drafts; and engaged with a number of international human rights mechanisms to advocate for its adoption. The draft law has also become a key condition for visa liberalization with the European Union.
- The new Data Protection Law was adopted in 2011, improving Moldova’s compliance with international standards in this area. The Law will enter into force in April 2012. Further attention will be needed to ensure that its practical application extends to key fields involving sensitive personal data. The HRA supported the Resident Coordinator’s Office to comment on the draft, focusing on key aspects of discrimination, in particular in relation to persons with HIV/AIDS.
- Following extensive efforts undertaken by the Human Rights Adviser and the UNCT, a draft law on the Social Inclusion of Persons with Disabilities was sent to Parliament in December. The draft includes core elements of the Convention on the Rights of Persons with Disabilities (CRPD), including equal legal capacities for persons with disabilities and reasonable accommodation for persons with disabilities.
- The HRA supported the Ministry of Health and the Government in efforts to improve the protection of the rights of persons in psychiatric institutions, resulting in an agreement to establish an independent institutional complaint review mechanism; an Ombudsman in psychiatric institutions. The idea was proposed and developed by the Human Rights Adviser.

**Access to justice and basic services (EA 4)**
- Efforts initiated by OHCHR resulted in the first legal recognition of a Muslim community in the Republic of Moldova. The Human Rights Adviser ultimately succeeded in assisting the Government in overcoming opposition to registration of the community, including by identifying discriminatory processes used by authorities to register Muslim communities. Other support was gained through extensive work undertaken by the UN Regional Coordinator’s Office and information generated by the UN-Moldova Human Rights Dialogue, the CERD Committee and the Special Rapporteur on freedom of religion or belief.

**State engagement with human rights mechanisms (EA 6)**
- Throughout 2011, different degrees of progress were achieved regarding the implementation of the nine recommendations issued by the UN Human Rights Committee, the Committee against Torture, the Special Rapporteur on torture and the Special Rapporteur on violence against women. For example, despite the recommendation to reduce the maximum period a person can be detained before being brought before a judge to 48 hours, the
Criminal Procedure Code provides a limit of 72 hours. The draft law on criminal procedure which is currently pending in Parliament, proposes that this time limit be maintained. In the area of violence against women, progress has been achieved since 2009 in improving the response to domestic violence. Protection orders have been issued to victims by certain courts under the 2008 Law on Domestic Violence. In addition, amendments were made to a number of laws in September 2010 to heighten the efficacy of the legal framework for combating domestic violence and other forms of violence against women, including by criminalizing domestic violence. Nevertheless, effective protection to victims remains unavailable, particularly in rural areas. Moldova’s National Preventive Mechanism (NPM) also remains weak and its work is largely invisible to the public. During 2011, several new members were added to the consultative council of the NPM, but the appropriateness of the appointments is in question. The body is currently dominated by former security and penitentiary officials and lacks individuals who are competent in psychological and medical documentation.

The Republic of Moldova prepared its UPR report in compliance with the reporting guidelines. The report was reviewed by the Human Rights Council on 12 October 2011. Civil society and NHRI representatives were trained in UPR modalities and assisted in the provision of inputs during various stages of the UPR process. The HRA also supported study visits to Geneva, provided comments and inputs into the Government report, travelled with the Government delegation to Geneva and assisted with the lead up to the Working Group review. Following the October 2011 review, the HRA has worked closely with the Government and civil society to begin preparations for the implementation of the UPR recommendations.

**Human rights mainstreaming within the United Nations (EA 11)**

Human rights, in particular non-discrimination and economic, social and cultural rights, were mainstreamed into the new UN-Moldova Partnership Framework 2013-2017, with a number of indicators referring to international commitments. The UNCT and key partners developed a new Roma Inclusion Action Plan, focusing on key anti-discrimination and social rights issues, which was adopted in June. A “Diversity Initiative” was also endorsed and individual agencies began to demonstrate a commitment to diversity, as seen in the inclusion of a text on diversity in job announcements and the use of Braille on UN business cards. In addition, UNDP and UN Women worked closely with OHCHR on the integration of human rights-based approaches to decentralization, local governance and community empowerment. As a result, unique models were piloted with the guidance of the Human Rights Adviser on strengthening the participation of women from extremely vulnerable communities.

**Challenges and lessons learned**

In 2011, major successes arose from OHCHR-led human rights work in the Republic of Moldova. These included legal reforms to better anchor human rights in the domestic system (in areas such as data protection), the adoption of key policy

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Ms. Natalia Mozer is the wife of Mr. Vladimir Mozer, head of the Lutheran Community in the Republic of Moldova, and mother of Mr. Boris Mozer, who previously worked doing international marketing at the company Sheriff, one of the major oligarco-security business structures in the separatist region of Transnistria. In October 2008, Boris Mozer was arrested by Transnistrian authorities and arbitrarily detained for over a year and a half and, during that time, severely abused by security services. Mr. Moser appears to have become attractive to the Transnistrian authorities because of his international contacts.

Mr. Moser is severely asthmatic. Security forces repeatedly put him under heavy stress and refused to give him access to his medicine. As a result of this, and other methods of ill-treatment, such as threats to himself and his relatives (which included a mock execution and threats of a “real one” if he failed to comply), he signed a “confession” in relation to various financial crimes. Due to the stress, his health condition worsened and he suffered several asthma attacks. He was kept in unhealthy conditions of detention, including high humidity, lack of access to natural light and lack of ventilation, overcrowding (being held in a 15 square metre cell with 12 other persons), and heavy smoking in the cell which contributed to additional asthma attacks. The combination of the threats, prolonged detention and degrading treatment that rose to the level of torture led Mr. Mozer and his family to turn over several tens of thousands of dollars worth of possessions to the Transnistrian authorities.

OHCHR worked closely with Natalia Mozer and ultimately contributed to securing Boris Mozer’s release from detention at the beginning of July 2010. OHCHR subsequently assisted Ms. Mozer in establishing a Chisinau-based support group for mothers of detainees in Transnistria and assisted Boris in seeking asylum abroad.
instruments (including the National Human Rights Action Plan and a Roma inclusion action plan), and major steps forward in tackling long-term discrimination issues as evidenced by, for instance, the first official recognition of a Muslim community. Far more importantly, public debates were held on key issues such as respect for equal dignity in a diverse society.

There were also challenges faced, including resistance from conservative sectors regarding the adoption of a comprehensive anti-discrimination law and the Government’s opposition to the Human Rights Council’s recommendation on combating discrimination and violence on LGBT grounds. Numerous domestic groups also opposed equal rights for LGBT persons, religious and linguistic minorities and Roma. In practice, a number of issues remained of serious concern, in particular related to the police, border authorities and treatment in psychiatric care.

Nevertheless, OHCHR demonstrated in 2011 that engagement with and support for the human rights community, across a broad range of partners including the UNCT, Government, CSOs, the NHRI and the international community, can pay off positively in terms of genuine progress. In addition, OHCHR played a catalytic role in disseminating information on a human rights culture among broad segments of the general public.

**Russian Federation**

<table>
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<tr>
<th>Year established</th>
<th>2008 (formal establishment/arrival of Human Rights Adviser). Preparatory presence of national staff; adoption of cooperation framework in August 2007.</th>
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<tr>
<td>Staff as of 31 December 2011</td>
<td>3</td>
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**Background**

Despite many positive steps and measures undertaken by national and local stakeholders in Russia in 2011, human rights challenges prevailed in the areas of civil and political freedoms and economic, social and cultural rights. Existing democracy deficits were further aggravated by limitations resulting from the regional elections of governors and continuing restrictions on the freedoms of assembly and expression. Yet some of these challenges also presented opportunities for public and non-governmental human rights defenders, civil society and academic circles to suggest, initiate or bring about structural change to improve the overall human rights situation in the country. Rule of law concerns, including accountability and protection of the rights for all citizens, are real challenges that must be addressed through an holistic approach with a strong human rights focus.

OHCHR has engaged with the Russian Federation on a number of human rights issues through a “Framework for Cooperation” which emphasizes issues such as: the rule of law; equality and
tolerance; and education and information on human rights. Considering that many of OHCHR's concerns are shared by a large number of national actors, OHCHR's main priority is to ensure it maintains coherence and sustainability in its work through better articulation of human rights dimensions. It also works to strengthen complementarities and facilitate coordination with various UN agencies, Government institutions and civil society. In this context, OHCHR will continue to provide advice and specific expertise with a particular view to promoting international human rights mechanisms and the integration of international human rights standards into selected areas of OHCHR-Russia's technical cooperation initiatives.

In February 2011, the High Commissioner conducted her first official mission to the Russian Federation and raised human rights issues with high-level representatives of the Government and OHCHR partners.

Results

National laws, policies and institutions (EA 1)

Following regular working consultations between the Supreme Court Judicial Department and OHCHR, a joint Plan of Action was signed in February on the promotion of international human rights law among the Russian judicial community. A working group was established to elaborate mechanisms for creating a human rights network and the posting of UN/international documents on the judicial portal.

Following the establishment of the Human Rights Masters Programme in 2010, there was enhanced coordination between international partners and Russian universities to facilitate further development of the Programme. This was achieved, inter alia, by securing access to good practices and expertise and enhancing inter-university cooperation and commitments to promote high-quality human rights education. OHCHR's support enabled project partners to encourage the mobility of European lecturers to Russia and provide students with broader access to the richness and variety of human rights courses and expertise offered by European universities.

Participation (EA 5)

As in the previous year, eight Fellows from diverse indigenous communities formed part of the Moscow component of the OHCHR Indigenous Fellowship Programme, in cooperation with the Peoples' Friendship University and the Russian Association of Indigenous Peoples RAIPON. The Fellows were introduced to the UN system and acquired practical knowledge on the use of international and national protection mechanisms specifically dealing with the rights of indigenous peoples. Complementary outreach activities included visits to and briefings by Government institutions, the United Nations Country Team (UNCT) and civil society organizations (CSOs). After completion of the programme, the Fellows had the capacity to apply their acquired knowledge in practical activities for the protection of the rights of their communities. OHCHR provided overall support to the fellowship programme.

Human rights mainstreaming within the United Nations (EA 11)

The Human Rights Adviser continued to provide ad-hoc guidance, briefings and background information on particular rights, groups of rights and international human rights mechanisms to individual UN agencies. In addition, OHCHR Moscow continued to play a leading role in supporting UN activities focusing on the promotion and protection of human rights. This included the organization of joint awareness raising events, such as “16 Days to Counter Violence against Women in the Russian Federation,” in collaboration with the Union of Journalists of Russia and a UN-focused day centred around the XVII International Human Rights Film Festival entitled “Stalker,” devoted to the celebration of Human Rights Day.

Challenges and lessons learned

In accordance with the “Framework for Cooperation” with the Russian Government, one of the priorities for the OHCHR presence in Moscow is human rights education. In this regard, a joint Human Rights Masters Programme was launched in 2009 with three leading Russian universities. To reach a wider public that includes students as well as practitioners, the Consortium of these universities cooperated with OHCHR to organize the First Moscow Summer School on Human Rights. The Summer School sought to raise awareness on human rights issues and facilitated practical discussions on their implementation, bringing together graduate and doctorate students, practitioners and professors from different countries. The Summer School was attended by approximately 40 participants from Azerbaijan, Belarus, Brazil, China, Ireland, Kazakhstan, Kyrgyzstan, Portugal, Republic of Korea, Russia, Spain, Tajikistan and Ukraine. The Moscow Summer School on Human Rights is expected to be an annual event which will contribute to raising awareness on human rights issues and strengthen Russian civil society.
Serbia

Year established Office in 1996 and Human Rights Adviser in 2007

Staff as of 31 December 2011 2

Background

Serbia has done a great deal in the recent past to establish a normative and institutional framework for human rights protection. In 2010, Serbian Ombudsman was awarded “A” status accreditation by the International Coordination Committee of National Human Rights Institutions. The Serbian Ombudsman plays an increasingly important role in human rights protection and raising awareness regarding pressing human rights issues in country. In 2011, the Ombudsman was appointed as the National Preventive Mechanism (NPM) against torture. The NPM will also operate in the Vojvodina Province in cooperation with the local Ombudsman and civil society organizations (CSOs). Despite the efforts undertaken for the adoption of the Roma Inclusion Strategy and Action Plan, the Roma community in Serbia continues to suffer in conditions of extreme poverty. This national minority continues to struggle with a broad range of challenges, including high unemployment and school dropout rates, widespread discrimination and forced evictions from informal settlements. Judicial reform that began in late 2009 was implemented during 2010 with some results seen in 2011, primarily related to the reduction of the court case backlog. Concerns remain, however, with regard to the implementation by courts of ratified international human rights treaties.

An important result was achieved with the adoption of the Social Welfare Law under which the institutional placement of children under the age of three years is prohibited. The deinstitutionalization process for adults is developing very slowly. Human rights defenders continue to work under difficult conditions in Serbia as they are often exposed to threats and violence. Negative perceptions stemming from past negative stereotyping campaigns persist and continue to impact on human rights defenders. Very little has been done to address this problem. Funding for the work of human rights defenders in Serbia has decreased. Human rights defenders have indicated that while State protection is improving, it is not yet at an adequate level.

The Human Rights Adviser in Serbia plays an important role in ensuring the impact of the work of UN human rights mechanisms on the ground. The Adviser’s strategies include mainstreaming of human rights in the work of the United Nations Country Team (UNCT), advising the Human Rights Directorate on issues relevant to monitoring and implementation of human rights treaties and ensuring adequate and strategic support of the UNCT to the Serbian Ombudsman. The Human Rights Adviser also works closely with regional organizations in support of human rights defenders and activities aimed at improving the human rights culture in the country.

Results

National laws, policies and institutions (EA 1)

Target: Increased compliance of policies with international human rights standards in two areas: economic, social and cultural rights and human rights defenders.

There is no comprehensive national policy on human rights defenders although it is recognized that their work is crucial for the advancement of human rights in the country. In November, the Human Rights Adviser worked in partnership with the Organization for Security and Co-operation in Europe (OSCE) Mission in Serbia and the Lawyers Committee for Human Rights (YUCOM), and under the auspices of the Human Rights Directorate of the Government of Serbia, to organize a conference entitled “Towards the National Policy on Human Rights Defenders.” The aim of the conference was to analyse and propose solutions for the protection and financing of human rights defenders. Government delegates and representatives of national institutions expressed their commitment to continue working on the development of a policy. The conference is the culmination of three years of collaboration between the Human Rights Adviser, OSCE and YUCOM. Some progress was also achieved in the promotion of the work of human rights defenders. For instance, in December, the City of Belgrade provided the premises for the “Human Rights House” which will host five human rights organizations. This important achievement was the result of awareness-raising conducted over previous years, the common advocacy strategy implemented by human rights defenders and assistance provided by the Human Rights Adviser and the OSCE Mission in Serbia. In addition, a Solidarity Network and Mechanism, developed with the assistance of the Human Rights Adviser and OSCE, was established in 2011. This network provides human rights defenders with legal assistance. It is recognized by the EU delegation.
in Serbia, which designed its Human Rights Defenders Strategy for Serbia based on the Structure of the Solidarity Network. It should be noted that the EU Strategy in Serbia was designed and launched in line with the advice provided by the Human Rights Adviser. Regarding economic, social and cultural rights, when carrying out relocations of Roma settlements, the Government is increasingly following international standards on the right to adequate housing and on forced evictions. UN Guiding Principles on Development-Based Evictions are increasingly being put into practice, such as in the case of the relocation of a Roma settlement in Belgrade (Block 72), during which the community was consulted, planning for alternative housing solutions was envisaged and the participation of CSOs was promoted. This represents a clear change from the practices observed during forced evictions in 2009. It is also a direct result of OHCHR’s multi-year engagement through: awareness-raising; advocacy with local and national institutions for full implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR); educational workshops with national and local level public administration staff; and strategic support to, and capacity-building for, the Ombudsman’s Office. Another visible result of the Adviser’s advocacy initiatives related to the advancement of economic, social and cultural rights in Serbia is the situation of the container Roma settlements in Belgrade. The settlements were established after the relocation of the Gazela slum in 2009 and are in good condition with no overcrowding.

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

- **Target:** Six out of 10 (60 per cent) priority outstanding recommendations from treaty bodies (Committee against Torture (CAT) and the Human Rights Committee (HRC)), special procedures (Special Representative of the Secretary-General on the situation of human rights defenders (SRSG)) and the Universal Periodic Review (UPR) substantially implemented.

A total of seven outstanding recommendations were substantially or completely implemented during 2011, including: two issued from the UPR on enhancing the effectiveness of the Office of the Ombudsman and strengthening the national mechanisms for the implementation of decisions of the treaty bodies; two issued by treaty bodies on the establishment of a NPM for Serbia and the creation of a mechanism to address individual complaints; and three issued by the SRSG on human rights defenders on the increased involvement and consultation of civil society, improved coordination for human rights defenders protection, and increased involvement of the international community in the protection of defenders. As an example, OHCHR supported the Office of the Ombudsman to effectively monitor implementation of international human rights standards with a specific focus on the Roma population and the establishment of the Ombudsman’s Programme for monitoring the enjoyment of rights by Roma people. In another
example, the Human Rights Directorate, which includes experts from civil society and provides advice and opinions from the Human Rights Adviser and the OSCE Mission in Serbia, completed the analysis and created the “Model for Implementation of the UN Treaty Body Decisions in Individual Cases.” The Model presents the recommended steps and procedures for State implementation of the decisions. Following the appointment of the Ombudsman as the National Preventive Mechanism, OHCHR supported the Ombudsman on issues related to torture prevention and specifically on implementation of the OP-CAT.

**Target: 80 per cent of submitted reports (common core document and reports under CAT, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Rights of Persons with Disabilities (CRPD)) in conformity with reporting guidelines.**

With the support of the Human Rights Adviser and OSCE, the Human Rights Ministry developed a procedure for the drafting of State Party reports that is consistently followed. The Serbian Government established an interministerial working group tasked with drafting the initial State Party report to the CRPD. Civil society representatives were invited to fully participate in the process which was conducted based on UN guidance and advice. The State Party report on the implementation of CEDAW was drafted following a transparent process with the participation of CSOs. In 2010, Serbia fulfilled its reporting obligations under the following UN treaty bodies: CAT, the first and second Optional Protocols to the Convention on the Rights of the Child, ICERD and the International Covenant on Civil and Political Rights.

### Challenges and lessons learned

A strong and credible national human rights institution (NHRI) can play a crucial role in advancing human rights in a country. The steps taken by the Ombudsman in Serbia led to the establishment of new standards in human rights protection in the country, as seen in its work on the case of forced evictions of Roma from informal settlements. The effectiveness of the Ombudsman, however, should be secured and any attempt to limit its role prevented. Often, the unique nature of the Ombudsman is interpreted as being similar to the role of different Government’s councils and commissions. In the summer of 2010, the Parliamentary Rules of Procedure introduced the regulation of adopting the Ombudsman’s Annual Report jointly with reports of various Government bodies whose true independence was never guaranteed. A wide margin of discretion was therefore left to the ruling coalition to decide on the acceptability of the Ombudsman’s Annual Report, thus bringing the independence of the institution into serious jeopardy. The amendment of the Parliamentary Rules of Procedure in early 2011 was made possible due to the strong, focused and well-substantiated advocacy of international actors and local civil society organizations, and supported by the expert opinion of OHCHR. These efforts were also fundamental to bringing back the guarantees of independence along with the recognition of the unique nature of the NHRI among other national institutions.

In November 2011, 33 Roma families living in the informal Roma settlement (Block 72) in New Belgrade received eviction notices informing them that they were obliged to remove their shelters from State property. The eviction notices included information about available legal remedies but also stated that an appeal would not postpone the execution of the decision. In the days following the receipt of eviction notices, non-governmental organizations (NGOs) communicated closely with the Serbian Ombudsman who immediately initiated processes against public administration institutions involved in the process. Based on the Ombudsman’s fast and focused reaction, the Human Rights Directorate in the Ministry of Human Rights, the State Administration and Local Self-Governance organized a working group consisting of the representatives of State institutions and the NGO Praxis. The working group concentrated on the implementation of the Special Rapporteur on housing’s “Guiding Principles on Development-Based Evictions” in relation to the relocation of the Block 72 informal settlement. During November 2011, the Human Rights Directorate organized the first consultations with the affected community and requested the support of the Human Rights Adviser on the methodology for these consultations. All relevant institutions represented in the working group were introduced to the “Guiding Principles on Development-Based Evictions” and General Comments No. 4 and No. 7 of the Committee on Economic, Social and Cultural Rights. In the second half of December, the working group, led by the Human Rights Directorate, successfully advocated for a decision to postpone the relocation of the informal settlement until the spring of 2012 at the earliest. This development presents a huge step forward in terms of the enjoyment of the right to adequate housing of Roma in Serbia and contrasts with previous relocation practices which did not include community consultations or ensure a transparent process.
South Caucasus (based in Tbilisi, covering Georgia, Azerbaijan and Armenia)

**Year established** 2007  
**Staff as of 31 December 2011** 4

**Background**

The legacy of armed conflicts in the three countries of the South Caucasus has had dramatic effects on the lives of people in this subregion. Conflicts began in the aftermath of the break up of the Soviet Union and took place between Russia and Georgia in August 2008. These conflicts resulted in significant population displacements and left the people and the Governments of the region with an enduring feeling of insecurity. Fundamental freedoms, especially freedoms of assembly and expression, continue to be threatened and significant challenges remain in relation to the right to a fair trial and the functioning of the justice sector as a whole. People deprived of liberty are frequently subjected to ill-treatment. Other challenges include ensuring enjoyment of the rights of persons with disabilities, the right to adequate housing and respect for property rights.

In addition to providing advisory services to the three United Nations Country Teams (UNCTs), Governments, national human rights institutions (NHRIs) and civil society organizations (CSOs), the Human Rights Adviser (HRA) undertook training activities for lawyers and journalists in international human rights standards in 2011. The trainings aimed at increasing the institutional capacity of bar associations, supported the implementation of recommendations accepted by the three countries during the first cycle of the Universal Periodic Review (UPR) and enhanced the use of international human rights mechanisms by all relevant actors. The Human Rights Adviser also assisted NHRIs and CSOs in analysing public policies from a human rights perspective and promoting and protecting human rights in the subregion. Additionally, the Human Rights Adviser cooperated with other UN agencies, bilateral and multilateral international actors, donors and regional intergovernmental organizations on issues related to human rights and the rule of law to ensure that they remain high on the agenda of the international community.

**Results**

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

- As a result of the OHCHR learning needs assessment conducted in cooperation with the Georgian Bar Association (GBA), progress has been made in preparing for the development of its human rights curricula. The outcomes of the assessment will be used to: adapt OHCHR’s technical assistance to the GBA for capacity-building activities during 2012-2013; develop a human rights component in the curricula of the continuous education of lawyers; and develop recommendations for other UN agencies on providing possible technical assistance to the GBA.

- As a result of workshops organized by OHCHR, close to 180 defence lawyers from various parts of Georgia have been introduced to international human rights protection mechanisms and the application of international human rights standards in domestic courts. Nine events held in cooperation with the GBA focused on clarifying theoretical and practical aspects of various rights, including the right to liberty and to a fair trial, and issues related to juvenile justice, labour rights and freedom of expression. OHCHR intends to commission a study in 2012 to determine the extent to which use of international human rights law has increased in the Georgian courts.

**State engagement with human rights mechanisms (EA 6)**

- A first draft of Armenia’s interim report on the implementation of UPR recommendations was developed following two workshops organized by the Ministry of Foreign Affairs of Armenia, OHCHR and UNDP. The Human Rights Adviser engaged with the Working Group on UPR implementation, comprised of representatives of the Armenian Government, NHRIs and non-governmental organizations (NGOs). The Working Group is playing a catalytic role in this process.
process and assisting the Armenian Government and civil society to enhance their engagement with UN human rights mechanisms and bodies.

Responsiveness of the international community (EA 10)

The Georgian media is gradually increasing its focus on human rights issues due in part to regular trainings and roundtable discussions on human rights issues organized by OHCHR throughout the country. In 2011, six workshops, roundtable discussions and information sessions were organized by the HRA to increase awareness among leading media representatives of international human rights standards and Georgia’s relevant obligations. Among other topics, the events helped to clarify issues related to freedom of expression and access to information, property and labour rights, rights to freedom of peaceful assembly and of association, and the rights of persons with disabilities. As a result of these activities, the Georgian media has demonstrably increased its reporting on human rights-related issues, as documented by the media monitoring study commissioned by UNDP in 2011.

Human rights mainstreaming within the United Nations (EA 11)

Human rights are incorporated into all main programmes of UN agencies operating in Georgia and are well reflected in the United Nations Development Assistance Framework (UNDAF). OHCHR participated in all working groups operating under the UNDAF implementation format and chaired the UN Human Rights Coordination Group. In Azerbaijan, OHCHR participated in the work of the Gender Theme Group, the Communications Group, the Internally Displaced Persons (IDPs) Livelihood Working Group and various UNDAF coordination meetings. Inputs were provided to these groups for the development of their annual workplans, with a special focus on the development of a UPR follow-up matrix to be implemented within the framework of the UN Task Force on Human Rights led by UNICEF.

Challenges and lessons learned

The UPR process continues to be a sound departure point for OHCHR’s engagement with local Governments. For the process to be effective, however, it needs to be credible and cooperative and include the Government, civil society and the international community, including UNCTs. Work related to the rule of law and justice sector reform, in particular, should continue to be a priority; recognizing that changes in this sector do not occur overnight. During times of economic crisis, the priorities of countries and populations may shift away from the human rights field. The challenge is therefore to advise them on approaches that place human rights at the centre of solutions for economic problems.

In the South Caucasus, protracted conflicts continue to be one of the greatest obstacles to the full enjoyment of human rights by all. The High Commissioner’s public statements on these situations during 2011 provided a solid foundation and impetus for further dialogue with the countries of the region regarding the key role that respect for human rights and international human rights standards could play in addressing these conflict situations.

Tajikistan

<table>
<thead>
<tr>
<th>Year established</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>1</td>
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</tbody>
</table>

Background

The poverty rate in Tajikistan decreased from 72 per cent in 2003 to 47 per cent in 2009 and extreme poverty declined from 42 per cent to 17 per cent in the same period. Unemployment rates, however, remain high, especially among youth. Young people under 18 years of age constitute approximately 42 per cent of the total population. Insufficient economic opportunities have forced many to seek employment abroad. The country is heavily dependent on the remittances of migrant workers. According to the World Bank, Tajikistan tops the list of 10 countries with the highest percentage of remittances in their Gross Domestic Product (GDP). In Tajikistan, these remittances were equivalent to 42 per cent of its GDP in 2010. Many households depend on support sent by relatives living abroad to cover their daily subsistence needs, leaving some population groups in a vulnerable situation, including the elderly, children, disabled persons and single-headed families. As the majority of the population lives in rural areas, successful land reform initiatives are of vital importance to ensure sustainable development. Tajikistan has ratified

seven of the international human rights treaties and has recently submitted all overdue reports on their implementation. Tajikistan’s legislation and practice still lag behind its human rights obligations.

Tajikistan presented its Universal Periodic Review (UPR) report in October 2011 and the outcome report will be adopted in March 2012 during the last round of the UPR. The Human Rights Adviser coordinated the contributions from UN agencies and compiled the joint United Nations Country Team (UNCT) UPR report. She also provided technical assistance to the Government Working Group entrusted with drafting the national UPR report and engaged in the dialogue between the Government and civil society on the UPR process. Another area of focus of the Adviser’s work was the coordination of the UN joint programme, in which eight UN agencies are taking part, aimed at strengthening the capacities of the Ombudsman. The Human Rights Adviser also: promoted the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT); participated in a series of seminars for law enforcement bodies and prosecutors on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW); participated in meetings and conferences held with UN Women; and advocated for the ratification of the Convention of the Rights of Persons with Disabilities (CRPD) through publications and other activities.

Results

National laws, policies and institutions (EA 1)

The UN Joint Programme to strengthen the capacities of the national human rights institution (NHRI) was launched by the UN Resident Coordinator. Nine UN agencies contributed to the programme and carried out activities relevant to their mandates aimed at developing the capacities of the national institution in their areas of expertise. The Human Rights Adviser facilitated the Steering Committee’s work related to implementation. The Adviser also cooperated with the Ombudsman institution to strengthen its capacities, for example by organizing a seminar on effective interview methodologies that can be used when working with victims of torture or other serious human rights violations and providing assistance in preparing the institution’s application for accreditation. The Human Rights Adviser provided comments to and proposals for the institution’s first five-year Strategic Plan. In a positive outcome of the extensive joint work undertaken on the promotion of the OP-CAT and the international standards to combat torture, the Ombudsman issued a public statement in relation to a recent case of torture and appealed to authorities to undertake an immediate investigation. The Ombudsman institution has also taken some encouraging steps to strengthen its role by introducing changes to the legislative basis for the implementation of its mandate. In
one example, legislation was adopted obliging all State bodies to respond to its inquiries. Changes to the Criminal Procedure Code were introduced to recognize the competence of the Ombudsman to visit closed institutions and the first of these visits were carried out in the last quarter of 2011.

**Ratification (EA 2)**

As a result of the UPR recommendations and related awareness-raising activities, the Government is considering the possibility of ratifying the CRPD. As noted above, the Human Rights Adviser undertook a series of activities to promote the ratification of the Convention, including during meetings organized with the Government in the framework of the UPR process. The publication entitled “Disability: from social exclusion to equality,” was translated into Tajik language for parliamentarians to raise awareness among decision-makers and highlight the practical implications and benefits of ratifying the Convention. The Human Rights Adviser also supported the publication of the recently adopted Law on the Social Protection of Persons with Disabilities at the request of NGOs working with persons with disabilities.

**State engagement with human rights mechanisms (EA 6)**

The Government has initiated the implementation of recommendations issued by various human rights mechanisms, such as CEDAW, CAT and the Special Rapporteur on violence against women. OHCHR provided content advice to strengthen the draft law against domestic violence which is currently under consideration by the relevant parliamentary committees. Together with the Regional Office for Central Asia and UN Women, the Human Rights Adviser organized a visit of a CEDAW Committee member to Tajikistan. The visit included a number of meetings with NGOs, parliamentarians and the Head of the Committee on Women and Family Affairs, each of which focused on their respective responsibilities and roles in the implementation of CEDAW recommendations. The CEDAW Committee member also identified shortcomings in the draft law on domestic violence and provided some suggestions on ways it could be strengthened.

**Civil society engagement with human rights mechanisms (EA 7)**

NGO coalitions are increasingly making use of UN human rights mechanisms and participated in trainings related to the preparation and submission of individual complaints to UN human rights mechanisms for individual complaints and for the preparation of two shadow reports for CEDAW with the support of the Human Rights Adviser.

**Challenges and lessons learned**

One particular challenge faced by the Adviser was coordination of the two-year UN Joint Programme, to which nine UN agencies contributed (ILO, IOM, OHCHR, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF and UN Women), to strengthen the capacities of the national human rights institution. The Programme provides an opportunity to communicate the essential knowledge and skills needed by staff of the national institution to extend human rights protection and undertake advocacy within the focus areas of the UN's work.

The Programme's capacity-building objectives are achievable. Yet the primary goal of the Programme to hold joint discussions and implement joint activities in support of the NHRI has already proven to be challenging. Improved coordination is required.

**The former Yugoslav Republic of Macedonia**

**Year established** 2007

**Staff as of 31 December 2011** 1

**Background**

Since its independence in 1991, the former Yugoslav Republic of Macedonia has continued to move along the difficult path of democratic reform. Progress has been slow and the country faces challenges in relation to the rule of law, administration of justice and national institutions. Political and inter-ethnic dialogue, transparency and participation remain insufficiently realized, particularly impacting on the Roma, rural women and the most marginalized members of society who live in poverty and exclusion. The State remains committed to implementation of the widely accepted international human rights standards and in 2011, ratified three key instruments, namely, the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol and the Revised European Social Charter. Genuine understanding, the capacity to apply these standards in practice and the need to improve interaction with human rights mechanisms remain essential.

The Human Rights Adviser (HRA) has been based in the UN Resident Coordinator’s Office since 2007. The Adviser assists the UN and national partners to
increase State compliance with international human rights norms and their interaction with the UN human rights system and encourages the incorporation of human rights throughout all policies and programmes. In 2011, the Adviser supported efforts to improve interaction with international human rights mechanisms, ratify the CRPD and bring human rights institutions closer in line with standards. The HRA assisted the Government and civil society in assessing follow-up to the Universal Periodic Review (UPR) and reporting to the Human Rights Committee.

Results

National laws, policies and institutions (EA 1)

- **Target:** The level of compliance of legislation and policies with international human rights standards has significantly improved in one selected policy area (non-discrimination).

A working group was established in September 2011 to draft the National HIV/AIDS Strategy 2012-2016 in a participatory manner that included the participation of all relevant stakeholders. The Strategy seeks to address issues related to prevention, treatment and HIV at the community level. It will also include special considerations to address discrimination against persons living with HIV/AIDS, including based on gender. The working group is comprised of Government representatives, the Ombudsman, leading civil society organizations (CSOs) concerned with human rights and sexual and reproductive health, the Office of the Ombudsman and the Human Rights Adviser. In a positive development, the working group includes persons living with HIV/AIDS through representation by their self-help organization. The Human Rights Adviser has contributed to these efforts by providing technical advice on rights-based analysis and outcomes and how to define concerns and develop targeted actions to address key human rights issues related to HIV/AIDS. The Adviser will further contribute to the review and finalization of the draft Strategy in early 2012.

- **Target:** The national human rights institution (NHRI) works substantially in conformity with international standards in its duty as a National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT).

The Ombudsman delivered his statement of compliance for accreditation with the International Coordination Committee of National Human Rights Institutions. The October 2011 assessment granted the institution a “B” status and recommended the amendment of legislation to allow for a broader mandate and transparent appointment procedures in order to achieve the fully compliant “A” status. The Human Rights Adviser provided specific guidance for the drafting of the statement, distributed OHCHR materials to the National Preventive Mechanism after the start of its activities in June and facilitated its introduction to the Secretariat of the Subcommittee on Prevention of Torture (SPT).

Human rights mainstreaming within the United Nations (EA 11)

- **Target:** Degree to which UN Common Country Assessment (CCA)/United Nations Development Assistance Framework (UNDAF) has satisfactorily integrated international human rights standards and principles into its operations.

The UN has increased the level of human rights analysis and consultation with civil society and other non-governmental actors. The Human Rights Adviser shared information, tools, thematic and monthly situation reports with the Resident Coordinator and the United Nations Country Team (UNCT) to keep them abreast of human rights developments at the national and international level. Joint UN advocacy initiatives for the alignment, implementation and acceptance of new human rights instruments were proactive, particularly in relation to Roma and persons with disabilities. An internal analysis of the main human rights concerns of the Roma was undertaken by the UNCT to inform UN programming and resulted in the prioritized mainstreaming of Roma considerations into relevant UN plans and programmes. As part of a joint UN project to address domestic violence, the Human Rights Adviser provided input into the
The Adolescent Roma Mother

It is believed that home birthing and the failure to register those births are part of the traditions and lifestyle of the Roma community. Yet this prevents Roma from fully enjoying their rights. The following is a real story of how authorities in the former Yugoslav Republic of Macedonia addressed such a situation.

Sixteen-year-old “S” was pregnant with her third child. She is Roma and lives in an informal union in Skopje with her adolescent partner and their two children; born respectively when she was 14 and 15 years of age. The couple is unemployed and live on social assistance. From her earlier pregnancies, S knew that she needed a “Mother Card” to give birth at the hospital. To obtain a card, and because she was underage, she had to provide evidence of health insurance held by a parent or guardian. Her own mother was a single mother who had recently moved to an EU country. As a result, S turned to the social care centre for help. The centre sent her to Kumanovo; the town where she had been born. The social workers tried to find her father, but gave up after learning that her biological father was unknown and her mother was unmarried. The centre informed S that she could obtain health insurance by simply presenting her own identification card (ID card). Yet S did not have an ID card; only birth and citizenship certificates. She was told she could get a special ID card for juveniles with the consent and presence of a parent or legal guardian. As she had neither, she was told she could choose someone to be her “special guardian for the ID card.” Her partner’s father accepted this role. S travelled with her partner and his father to Kumanovo and then to Vinica, the legal residence of her partner’s father, where S finally obtained an ID card, registered for health insurance and received the “Mother Card.” This was done just prior to her giving birth. To get the Mother Card, S and her family had to travel on several occasions and spend more than a month and a half of their social assistance. These costs were ultimately covered by a non-governmental organization.

S had never received advice about registering her civil status, sexual and reproductive health or compulsory primary education. The Human Rights Adviser learned about S during an assessment consultation held with grassroots civil society organizations to inform UN programming related to Roma communities. Since then, the UN has used the assessment in advocacy efforts with relevant authorities to emphasize the need for a comprehensive and rights-based approach in addressing the concerns of the Roma.

analysis of the legal implications of ratifying the newly adopted Council of Europe Convention on Violence against Women and participated in drafting key messages for the domestic violence campaign. Efforts were also made to improve communication regarding the work of the UN from a human rights perspective, including through the redesigned UN country web page. The page is being used to disseminate information on and recommendations issued by the UN human rights mechanisms on the country. The Human Rights Adviser supported the participation of the country in the seventh phase of the joint OHCHR/UNDP Assisting Communities Project (ACT) which provided small grants of up to US$7,000 to four grassroots civil society organizations working to address discrimination through human rights education activities. The eligibility of the country to receive ACT grants was determined in May and the Human Rights Adviser was appointed as the UNCT’s ACT Focal Point.

Challenges and lessons learned

The UPR review of the former Yugoslav Republic of Macedonia in 2009 raised the Government’s level of acceptance of the mechanism and mobilized its interest in conducting a 2011 midterm assessment of the implementation of the UPR recommendations. The assessment offered an invaluable opportunity for all relevant stakeholders to re-examine the UPR recommendations as well as those issued by all other UN human rights mechanisms and demonstrated the practical interrelatedness of all human rights. The “CRPD Advocacy and Action Points,” which the Human Rights Adviser developed for UN agencies, encouraged enhanced joint action for the ratification and implementation of the Convention on the Rights of Persons with Disabilities. The document helped to mobilize UN joint advocacy for ratification and contributed to the efforts undertaken by disability organizations which led to the ratification of the Convention in December 2011. The document also triggered model assessments of physical accessibility to the UN premises and provided opportunities for persons with disabilities to participate in UN internship programmes. Although the activities were initially delayed as a result of early parliamentary elections, they were later successfully implemented by the Human Rights Adviser with the support of and demonstrated commitment from relevant Government officials.
Before 2011, OHCHR maintained five field presences in the Middle East and North Africa (MENA) region: a regional office for the Middle East (Beirut), a human rights component in a peace mission (UNAMI-Baghdad), the UN Human Rights Training and Documentation Centre for South-West Asia and the Arab Region (Doha, Qatar), a country office in Mauritania (Nouakchott), and a stand-alone office in the Occupied Palestinian Territory. The year 2011 saw the opening of a new country office in Tunisia as well as the establishment of a human rights component within UNSMIL, the UN support mission in Libya. The idea of creating a regional office for North Africa was also revived and discussions are ongoing. Recent Human Rights Council resolutions called upon Yemen and the Syrian Arab Republic to closely cooperate with OHCHR. Human Rights Council resolution S-18/1 specifically refers to the establishment of a field presence in Syria.

While certain issues and countries, such as OPT/Israel and Iraq, have been on the agenda for some time, 2011 saw enormous changes in the region. The year witnessed a chain of uprisings with massive demonstrations erupting in Tunisia, Egypt and Libya that were followed by protests in other countries. Millions of peaceful protesters took to the streets to denounce State corruption, impunity, social inequalities, poverty and the denial of human rights and basic freedoms. Human rights were at the core of the demands for social and political change. While protests led to transitions in Tunisia and Egypt and ultimately in Libya and Yemen, the outcomes of the continuing unrest in Bahrain and Syria remain uncertain. Smaller-scale protests demanding political change and improved socioeconomic conditions were reported in other countries of the region.

OHCHR responded in a timely manner and actively engaged with various actors on the ground. The voice of the High Commissioner was heard throughout the region and echoed people’s demands for dignity and freedom. The High Commissioner deployed missions to Tunisia, Egypt, Libya, Yemen and Bahrain while transitions were taking place. These missions assessed the situations and made recommendations. Some led to requests for OHCHR to establish field presences.
In 2011, the Human Rights Council regularly addressed situations in the MENA region. Several temporary and longer-term mechanisms were established, including a fact-finding mission on Syria, commissions of inquiry in relation to Libya and Syria and a new Special Rapporteur on Syria. In addition, references to full and close cooperation with OHCHR were included in resolutions on Yemen and Syria. OHCHR provided support to all of these mechanisms and responded to respective reporting requirements (Libya, Yemen and Syria). The first Universal Periodic Review cycle served as a welcome entry point for discussion and cooperation, and in a number of cases, for improvement.

Country/Stand-alone Offices

Occupied Palestinian Territory

<table>
<thead>
<tr>
<th>Year established</th>
<th>Gaza: 1996; Ramallah: 2000; Hebron: 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
<td>19</td>
</tr>
<tr>
<td>Expenditure in 2011</td>
<td>US$2,886,696</td>
</tr>
</tbody>
</table>

Background

Violations of international human rights law and international humanitarian law are widespread in the Occupied Palestinian Territory (OPT). The Government of Israel’s occupation of the OPT is central to this situation and results in a broad range of serious violations. In particular, Israeli settlements in the West Bank, which currently house more than half a million Israeli citizens, contravene international law and violence committed by settlers against Palestinians occurs on an almost daily basis. The Israeli blockade of Gaza continued through 2011 and impacted on civil and political as well as social and economic rights. There are also concerns regarding the Palestinian Authority (PA) and the de facto authorities in Gaza, especially due to ongoing political conflict between the two which results in violations being committed by both sides. Permeating the situation in OPT is impunity and a lack of accountability on the part of all three duty-bearers.

In 2011, there were some limited positive developments. Early in the year, the Government of Israel (GOI) announced that it would revert to a previous policy and initiate military police investigations into the killings of Palestinians in the West Bank by Israeli Defence Forces (IDF) outside the context of open combat. Although there have been a number of killings since that announcement, the Office has no detailed information on the implementation of the policy. In addition, attacks by settlers against IDF troops and facilities in late 2011 resulted in a GOI announcement that military law would be applied in such cases. While military law has always been applied to Palestinian offences in the West Bank, Israeli settlers have only been subject to Israeli civil law. It remains to be seen how strictly this policy will be applied in practice.

OHCHR-OPT is engaged in: the monitoring, documentation, and reporting of human rights violations; protection coordination and advocacy; and technical assistance and capacity-building for the PA, the Palestinian national human rights institution (NHRI), and Palestinian non-governmental organizations (NGOs). In 2011, OHCHR continued to strengthen its monitoring functions and significantly enhanced its role as a key impartial international actor with regard to human rights information on and analysis of the OPT. OHCHR-OPT further developed its communications with respective authorities, such as the GOI and relevant agencies in the PA (including security agencies). In 2011, OHCHR significantly developed and asserted its lead role in the inter-agency Protection Cluster Working Group. The Office also developed its expertise through the integration of human rights into the work of the United Nations Country Team (UNCT) and partner agencies. In 2011, OHCHR-OPT commissioned an assessment of the needs of its partners with regard to capacity-building, which provided guidance and direction for focusing the Office’s capacity-building activities. OHCHR-OPT strengthened its role as coordinator of the Protection Cluster within the Humanitarian Country Team, which enhanced the coordination between and impact of the work of the UN and international, Israeli, and Palestinian NGOs. The High Commissioner visited the OPT in February 2011. Her final press statement was widely welcomed as one of the strongest human rights messages on the OPT.

Results

National laws, policies and institutions (EA 1)

- **Target: Palestinian Authority:** Positive response to 50 per cent of human rights violation cases. Israeli authorities: Positive response to 5 per cent of human rights violation cases.

These targets have been partially met. In a December 2010 meeting with the PA, OHCHR-OPT raised the issue of arbitrary detention and ill-treatment. This resulted in the Office being granted access to most PA detention
centres in order to monitor the situation. Concerns regarding specific incidents were conveyed to the GOI. In the case of Qusra village, some positive changes were made after the OHCHR spokesperson raised the situation at press briefings. Many concerns raised by OHCHR-OPT in reports appear to have been addressed by the GOI, albeit without any formal acknowledgement. This includes the situation in the Access Restricted Areas in Gaza where a decrease in civilian casualties was witnessed in the second half of 2011.

Target not achievable, within the biennium, related to the indicator “Number of selected State institutions/programmes in selected human rights areas where the level of compliance with international human rights standards has significantly improved.”

There were a few positive developments with regard to Israel as a duty-bearer. As noted above, the GOI announced in early 2011 that it would initiate military police investigations into the killings of Palestinians in the West Bank by IDF troops that did not take place in open combat. The Office has no detailed information on the implementation of this policy. Detention of Palestinians by Israeli Security Forces (ISF) continued throughout the year. Some improvements were also registered with regard to the PA in relation to detention. The Office engaged with the Minister of Interior and the number of reported cases of ill-treatment of detainees and arbitrary detention decreased. Generally, freedom of expression and freedom of assembly was respected by PA institutions. Following a decision by relevant security institutions, a ruling handed down by the Palestinian High Court that civilians could not be tried by military courts was adhered to by authorities. The President of the PA passed a decree relating to honour crimes which was widely welcomed by human rights groups. OHCHR-OPT worked towards this target through its monitoring, reporting and advocacy activities.

Civil society engagement with human rights mechanisms (EA 7)

Target: Civil society organizations (CSOs) have submitted substantive documents to treaty bodies and special procedures.

Several major Palestinian NGOs regularly submit shadow reports to treaty bodies and regularly provide information to special procedures. In November 2011, OHCHR-OPT organized two workshops for NGO partners on working with treaty bodies and special procedures, which were attended by NGOs working in the West Bank and Gaza.

Responsiveness of the international community (EA 10)

Target: Critical human rights issues for OPT were raised in the General Assembly and the Human Rights Council to a high extent.

OHCHR-OPT prepared a report of the High Commissioner to the Human Rights Council for the March 2011 session and two Secretary-General reports to the General Assembly.
Assembly. The High Commissioner visited OPT in February 2011 and issued a concluding statement which was widely welcomed. During 2011, OHCHR's spokesperson raised OPT-related issues in press briefings on a number of occasions and OHCHR's work in the territory was reflected in the media. These combined efforts resulted in the extensive raising of critical human rights issues in the OPT at the General Assembly and the Human Rights Council.

**Human rights mainstreaming within the United Nations (EA 11)**

- **Target: The Humanitarian Country Team, in particular the Protection Cluster Working Group, integrates international human rights standards in its work to a high extent.**

  OHCHR-OPT was able to strengthen its capacity for coordination of the Protection Cluster Working Group, and has been successful in ensuring the integration of human rights standards into its work, in particular with regard to the response to settler violence, violations in the Access Restricted Areas in Gaza and the mainstreaming of protection into the work of other Clusters. The Office worked to coordinate protection inputs into the Consolidated Appeals Process (CAP) 2012. As a result, protection is one of the two main themes in the CAP and human rights are mainstreamed throughout the document. OHCHR also worked with the Water, Sanitation and Hygiene Cluster and the Health Cluster to integrate human rights into programming related to health, water, sanitation and hygiene and, as a result, programming checklists were finalized and adopted by Cluster members.

- **Target: The Mid-Term Review Plan integrates international human rights standards and principles to a substantial degree.**

  The Mid-Term Review Plan includes human rights to a substantial degree and human rights are reflected as one of the six main focus areas. OHCHR provided direct input to the United Nations Development Assistance Framework (UNDAF) and formed part of the drafting team during the review process.

### Challenges and lessons learned

The lack of progress achieved in relation to intra-Palestinian reconciliation efforts, despite the agreement announced by both parties in April 2011, significantly constrained OHCHR's strategic engagement with the PA. The Ministry of Justice in Ramallah requested that OHCHR delay a series of conferences regarding the review and finalization of a comprehensive national plan of action on human rights. Nevertheless, OHCHR continued its work at the technical level on human rights capacity-building.

### Occupied Palestinian Territory: Expenditure in 2011

<table>
<thead>
<tr>
<th></th>
<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
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</thead>
<tbody>
<tr>
<td>Personnel and related costs</td>
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<td>Consultants</td>
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<td>Contractual services</td>
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<td>General operating expenses</td>
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<tr>
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<tr>
<td>Seminars, grants &amp; contributions</td>
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<td><strong>GRAND TOTAL</strong></td>
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</tr>
</tbody>
</table>

### Promoting the right to education in Bedouin communities

In the West Bank, the expansion of Israeli settlements (all of which are illegal under international law) and excessive restrictions on movement of Palestinians imposed by ISF gave rise to a plethora of human rights and humanitarian problems. OHCHR's field presence in Hebron, in the south of the West Bank, noted that children in many Bedouin communities, such as Khashem Al Daraj, were often prevented from accessing school. Children on their way to school would be attacked by settlers, forced to pass through excessive, humiliating and time-consuming checks at Israeli checkpoints, or instructed by ISF to make large detours to avoid areas close to settlements. As a result, children were required to commute for hours to attend schools that would otherwise have been a short walk away. Many children, in particular girls, were therefore forced to drop out of school. Initial findings indicated that, in Khasem Al Daraj and nearby communities, approximately 42 per cent of girls enrolled in the ninth grade did not continue their schooling primarily due to an absence of adequate transportation. After identifying the most vulnerable communities in the southern West Bank, OHCHR and UNICEF, in collaboration with partners in both the Protection and Education Clusters and the PA, coordinated a response to purchase and allocate school buses to provide transportation for these communities. Seeing a number of female school children from Khashem Al Daraj riding the bus to school gives hope for a brighter future for these children.
Mauritania

<table>
<thead>
<tr>
<th>Year established</th>
<th>2010</th>
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<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
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<tr>
<td>Expenditure in 2011</td>
<td>US$1,103,826</td>
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Background

The year 2011 was marked by a volatile social climate and a complex political and economic environment, with youth organizations and opposition parties repeatedly protesting against the high cost of living, university enrolment processes perceived to be discriminatory and, more broadly, demanding democratic change. The difficulties of this period occurred against a backdrop of a threatening drought, serious food crisis and a sharp increase in gasoline prices. At the same time, a month-long national dialogue was held between the Government and some opposition parties to reinforce the democratic process and strengthen the national human rights protection system. The dialogue focused on national unity, social cohesion, reform of the electoral code, the political participation of women, constitutional reforms, independence of the judiciary, good governance, the role of public media and the role of the army. As a result, significant human rights-based constitutional amendments were adopted, including in relation to the criminalization of torture, slavery practices, coups d’etat and the “constitutionalization” of the National Human Rights Commission.

The Mauritania Country Office was officially established on 9 December 2010. The opening of the Office raised high expectations among the Government, bilateral and multilateral partners, as well as civil society organizations (CSOs). The provision of technical cooperation was one of the main priorities of the Office during the year, in particular, to support the implementation of recommendations of the Universal Periodic Review (UPR); promote the ratification of treaties, including the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (OP-CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance; and support Mauritania in complying with its reporting obligations. The Office also worked on issues related to slavery and transitional justice. During high-level meetings held by the High Commissioner during her visit in April 2011, the Government pledged to do more to implement its international human rights obligations in practice.

Results

National laws, policies and institutions (EA 1)

- The amended Constitution included the criminalization of torture, slavery practices and coups d’etat and the establishment of the National Human Rights Commission as a constitutional body. The draft laws on each of those provisions were adopted by a large majority of the Parliament. The Office helped to identify the relevant human rights issues and ensure that the amendments complied with Mauritania’s international human rights obligations.

- During a national political dialogue, a road map with a human rights agenda was adopted. The road map was signed on 19 October 2011 by the governing party and part of the opposition. The consensual agreements on the road map included measures for the reform of the electoral code, creation of an independent national electoral commission, promotion of the political participation of women, strengthening the independence of the judiciary and securing the neutrality of public administration.

- A draft law was adopted by Parliament to amend the Constitution to establish equal access by women and men to electoral mandates and electoral functions. In collaboration with other actors, the Office provided technical advice and carried out substantial advocacy targeting the Government and opposition parties which eventually led to the adoption of a road map. The Office also organized three seminars on the participation of women in decision-making processes and the abolition of discriminatory laws against women.

- The Office provided technical advice to the Government for the development of programmes stemming from a national plan of action for the elimination of racial discrimination in 2012-2013. The Government submitted a draft technical cooperation project on a national plan of action against racial discrimination to OHCHR for its review and feedback.

- On 24 May 2011, the International Coordinating Committee of National Human Rights Institutions upgraded the status of the Mauritania Human Rights Commission from “B” to “A.” The Office provided technical advice and support to reinforce the Commission’s capacities and ensure that it conformed to the Paris Principles.
Following the Office’s advocacy efforts, the role of the National Human Rights Commission was included in the Mauritanian Constitution.

With regard to the development of a comprehensive national strategy to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and to promote women’s full enjoyment of their human rights, a Forum on Islamic thinking and cultural dialogue was organized by the Association des Oulémas of Mauritania with the support of UN agencies. As a result, a subregional Fatwa was issued to accelerate the elimination of female genital mutilation. A comprehensive study is underway to facilitate the development of a national strategy. In collaboration with UN Women, the Office is supporting the review of the code du statut personnel with particular attention being paid to issues regarding the status of women in society.

OHCHR continued to advocate with the Ministry of Justice for the creation of a Judicial Training Centre as a basis for judicial reform, particularly to train magistrates and other legal representatives who are essential for the effective administration of justice. Due to a lack of resources, the Judicial Training Centre was not established. Lawyers receive their training at the Ecole Nationale d’Administration, de Journalisme, et de Magistrature.

Ratification (EA2)

Following consistent lobbying undertaken by the Office, including through the organization of a workshop on the preservation of human dignity, the Government signed the OP-CAT. The Office will continue to advocate for its ratification in 2012.

As a result of strong advocacy undertaken by the Country Office in Mauritania, the Government has taken action to withdraw its general reservations to CEDAW. It has indicated it will enter specific reservations related to article 13 (a) on the right to family benefits and article 16 on marriage and family relations particularly regarding equal rights and responsibilities during marriage and at its dissolution.

Justice and accountability mechanisms (EA 3)

In its advocacy against impunity, the Office successfully facilitated the establishment of a transitional justice mechanism that will be a key instrument in addressing crimes committed in the context of the Passif Humanitaire, a period in the 1980s and 1990s when human rights violations were committed against the Black Mauritanian community. On 30 March 2011, the Office collaborated with the National Human Rights Commission to organize national consultations on transitional justice to ensure the mechanism was established in accordance with international standards. The Office also organized a knowledge-sharing tour in Morocco from 26 to 30 December 2011 during which representatives of the Office, Government and members of the Mauritanian National Human Rights Commission were briefed by key equity and reconciliation actors and attended useful working sessions with representatives from the Moroccan Human Rights Council, the Ombudsman and Head of the Interministerial Human Rights delegation. In its advocacy with bilateral partners, the Office also organized a technical working session on 4 October 2011 with the South African Ambassador to Mauritania to raise awareness about the experiences of the South African Truth and Reconciliation Commission.
With the support of OHCHR, local non-governmental organizations (NGOs) established a training/reception centre for former slaves, specifically children and women, to facilitate their social reintegration. These efforts included helping children to get birth certificates and school materials so that they could attend school and promoting resource-generating activities for adults.

Mauritania submitted its State Party reports to the monitoring committees of CAT, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in compliance with their respective guidelines. OHCHR provided technical advice to ensure the wide participation of all relevant stakeholders in this process. The Office also ensured that the reports were prepared in accordance with approved standards and procedures.

In following up on the recommendations of the Special Rapporteur on contemporary forms of slavery, the Office organized a workshop in collaboration with the Commissariat aux Droits de l’Homme, à l’Action Humanitaire et Relations avec la Société Civile (Government Ministry in charge of human rights issues), resulting in a plan of action with projected time lines for the implementation of the recommendations. The seminar was attended by parliamentarians, members of the judiciary, including the President of the Supreme Court, the President of the National Human Rights Commission and members of civil society organizations.

In implementing the recommendations of the Special Rapporteur on contemporary forms of slavery related to the enforcement of the 2007 Anti-Slavery Law, six persons were tried and convicted for slavery practices. This was the first trial and conviction for slavery in the history of the Mauritanian justice system. The Office supported the court case, provided advice to the NGOs that initiated the judicial process and strongly advocated for the full implementation of the 2007 Law.

In 2011, more than six NGOs prepared alternative reports to the Government’s report to the ICESCR Committee. Through the organization of two workshops on international and regional mechanisms for the promotion and protection of human rights, the Office enhanced the capacities of these NGOs to submit reports and communications to treaty bodies and special procedures.

NGOs positively contributed to the UPR reporting process after a follow-up seminar on monitoring the recommendations of the UPR was organized by the Office with the National Human Rights Commission and the Commissariat aux Droits de l’Homme, à l’Action Humanitaire et Relations avec la Société Civile. The seminar provided an opportunity for NGOs to learn about the UPR procedures and reinforced their capacities for the implementation of recommendations.

The United Nations Development Assistance Framework (2012-2016) fully integrates human rights concerns and accords special priority to women’s rights and the protection of children and women from violence, exploitation, discrimination, abuse and negligence. Furthermore, human rights and gender were included as two cross-cutting thematic issues in the final document. The Office actively participated in the preparation of the document.

Reconciliation of the issue of the passif humanitaire remains a very serious challenge for Mauritania. Despite some initial steps taken by the Government in this respect, the Black-Mauritanian community feels that the public forgiveness for past crimes sought by the President and the compensation packages offered have not led to real reconciliation. In this context, the Office collaborated with the National Human Rights Commission to organize a national consultation on transitional justice with the aim of establishing a transitional justice mechanism in accordance with international human rights standards. OHCHR will focus its future work on providing assistance in establishing and supporting the functioning of this mechanism which will help respond to victims’ quest for justice and provide the foundation for sustainable reconciliation and national unity.
### Mauritania: Expenditure in 2011

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<th>Regular budget expenditure in US$</th>
<th>Extrabudgetary expenditure in US$</th>
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### Tunisia

- **Year established**: 2011
- **Staff as of 31 December 2011**: 5
- **Expenditure in 2011**: US$633,187

### Background

The self-immolation of a young Tunisian on 17 December 2010 was followed by massive protests across the country. At the beginning of the unrest, protesters called on the central Government to undertake some immediate economic, social and institutional reforms in an attempt to bring an end to corruption, social/regional disparities and strengthen accountability. Faced with a violent response from the State security apparatus, however, protesters immediately called for an end to the regime. Once the army aligned itself with the demands of the people, President Ben Ali was forced to step down and left the country on 14 January 2011.

Subsequently, an OHCHR Assessment Mission visited Tunisia from 26 January to 2 February to determine how the Office could assist national efforts in the establishment of an open and democratic society. On 10 February, in line with the findings of the OHCHR mission, the Tunisian Secretary of State for Foreign Affairs transmitted a request to the High Commissioner for the opening of an OHCHR Country Office in Tunisia, with a full promotion and protection mandate under General Assembly resolution 48/141 of 1993. During her official visit to Tunisia on 13 July, the High Commissioner signed the agreement establishing the Office and simultaneously inaugurated the premises in Tunis.

The Tunisia Office concentrates its efforts on two of the office-wide thematic priorities: (1) combating impunity and strengthening accountability, the rule of law and democratic societies; and (2) pursuing economic, social and cultural rights and combating inequalities and poverty. Throughout its various activities, the Office supports the Tunisian authorities, civil society organizations and other relevant actors in the building of an effective national human rights protection system, including through the provision of technical cooperation, training and advocacy. This role is undertaken with an inclusive approach that ensures the participation of all stakeholders, in close cooperation with the United Nations Country Team (UNCT). Whenever possible, the Office also aims at reaching out to groups living and working in remote areas (including in the regions of Kasserine, Qabaly, Sidi Bouzid and Tala), which have suffered severe marginalization during previous decades. Alongside much-needed capacity-building activities, the Office undertakes regular monitoring and reporting activities on various human rights issues.

### Results

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

- A first draft law for the establishment of a national human rights institution (NHRI) is currently being discussed by committee members and other national stakeholders and will be submitted to the National Constituent Assembly for adoption. The Office has provided advice and technical expertise to support the establishment
of an institution that is in full compliance with the Paris Principles.

► The transitional Government has initiated several reforms, including the enabling of political parties to operate, freeing political prisoners, dissolving both the political police and the security apparatus and allowing freedom of the press. The Office has contributed to this by assisting its national counterparts in legislative reform to ensure that adopted laws comply with international human rights norms and standards and guidance issued by treaty bodies and special procedures.

► The Office in Tunis disseminated approximately 500 OHCHR documents on transitional justice during seminars, conferences and workshops organized by local partners and 800 copies of the Universal Declaration of Human Rights on UN Day (24 October).

► The Office conducted various training sessions for approximately 4,000 recruits in all seven of the training schools for the National Police and the National Guard. The sessions resulted in the agreement of the Ministry of Interior with an OHCHR-proposed outline of a two-track plan for the training of new recruits over three trimesters and a series of two-week training courses for security forces trainers. Furthermore, the Office has been actively involved in the development of a code of conduct, standing orders and the delivery of training for commanders in “strategic management” in line with international human rights norms and standards.

► The Office has provided support in terms of the documentation methodology for the National Fact-Finding Commission, including technical expertise on how to conduct interviews, protect witnesses and document and report on human rights violations. It has provided extensive support to the two other National Commissions, including through training and strategic planning in methodologies of managing information (public information, managing violation databases, etc.).

Ratification (EA 2)

► The interim Government has ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the first Optional Protocol to the International Covenant on Civil and Political Rights and the Rome Statute of the International Criminal Court.

State engagement with human rights mechanisms (EA 6)

► The Special Rapporteurs on the promotion and protection of human rights and fundamental freedoms while countering terrorism and on torture made recommendations to the interim Government to improve the administration of justice, transitional justice and the prevention of torture. The Office supported the missions of these rapporteurs.

► Tunisia is expected to be among the first countries to undergo the second cycle of the Universal Periodic Review (UPR) in May 2012 and the Country Office organized various UPR training sessions for a broad number of stakeholders, including civil society organizations and the UNCT.
Challenges and lessons learned

The Office is well-positioned to provide expertise to support relevant institutions in building an effective national human rights protection system, including the establishment of a national human rights institution in full compliance with the Paris Principles and to assist national counterparts in bringing legislation in line with international human rights norms and standards and guidance issued by treaty bodies and special procedures. The Office is further committed to promoting the realization of economic, social and cultural rights while addressing the root causes of human rights violations and supporting reparations for victims. The Office can support the Government with various processes, including building capacity to address past violations, restoring a safe and stable security environment, implementing constitutional and legislative reforms, respecting the role of political parties and civil society organizations and providing solutions for socioeconomic problems. This will be done through programmes and projects closely coordinated with national counterparts while taking into account the importance of the principles of inclusiveness and participation.

Regional Offices and Centres

Regional Office for the Middle East (Beirut, Lebanon)

<table>
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<tr>
<td>Expenditure in 2011 (US$)</td>
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Background

The year 2011 witnessed people across the Middle East taking to the streets to demand dignity, freedom and social justice. These protests took place against the backdrop of a stifling status quo and region-wide systems of governance that lacked accountability and participation and frequently relied on the use of force and abuse. Calls for change were often met by violence. Human rights defenders, many of whom were long standing partners of the Regional Office, were quick to engage with key actors of the mobilization. The League of Arab States aligned itself with the movement for change and supported people against their rulers in several countries. Millions of people peacefully confronted national security organs to claim their rights that in turn responded with excessive use of force, arbitrary arrests, torture, enforced disappearances and collective punishment. In some countries, the situation spiralled into localized and broad-based armed conflicts. In others, Governments resorted to arrests and threats or distributed money and adopted generous policies in an attempt to prevent further uprisings. Human rights defenders played an important role in documenting and reporting on human rights violations.

Events confirmed the crucial role of human rights defenders in the region, but also raised questions related to objective reporting and comprehensive monitoring. Many human rights defenders in the region continue to face the challenge of retaining their distinct characters without blurring their identities and roles with those of political activists. The role of youth and of social media was particularly prominent and women actively claimed their space by marching and fully participating in events alongside men. The women of Yemen surprised the world with their bold engagement. One Yemeni woman and two African women were awarded the Nobel Peace Prize. Women in Saudi Arabia were promised participation in future elections. The events highlighted the strengths and weaknesses of the regional media as most media
representatives were prevented from free reporting while others were accused of bias based on their ideological leanings and funding sources. The advent of freedom of expression and unencumbered political participation offered by well-organized Islamist groups underscored their strong appeal and resulted in their electoral success in Tunisia and Egypt and explains their growing strength in Libya, the Syrian Arab Republic and Yemen.

The OHCHR Regional Office for the Middle East was established in Beirut in 2002 and covers 10 countries, namely: Bahrain, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, the United Arab Emirates (UAE) and Yemen.

Results

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

- **Target not achievable within the biennium for Jordan:** Increased compliance with international human rights standards of laws in the area of the protection of migrant domestic workers.
  During missions to Jordan, the Regional Office raised the status of migrant domestic workers with authorities and participated in a national event during which it shared its experience in Lebanon and offered to work with Jordanian partners who have not yet responded to this offer.

- **Target for Lebanon:** The level of compliance of legislation with international human rights standards significantly improved in one area (the protection of migrant domestic workers).
  A draft law was developed with support from OHCHR and ILO to provide some protection for migrant domestic workers and was adopted by the Lebanese Minister of Labour in January 2011. The draft law does not fully comply with international human rights standards and OHCHR expressed its views and provided comments to the Ministry of Labour in this regard.

- **Target not achievable within the biennium:** Increased compliance of Lebanese Internal Security Forces with international human rights standards.
  The Directorate of the Internal Security Forces adopted a Code of Conduct. The Code of Conduct is not fully compliant with international human rights standards and principles and the Regional Office has expressed its views on the remaining gaps. OHCHR substantially contributed to the elaboration of this Code by providing technical advice to the drafting committee and advocating for its adoption with members of the Internal Security Forces. Civil society was consulted throughout the process and resulted in awareness-raising among rights-holders.

- **Target for Jordan:** To a larger extent, the national human rights institution (NHRI) in Jordan works in compliance with the Paris Principles.
  Jordan’s National Human Rights Commission (NHRC) is increasingly working in compliance with human rights standards in advocating for the prevention of torture in Jordan. This follows a two-day seminar organized by OHCHR and the NHRC in March 2011 to encourage the ratification by Jordan of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). Furthermore, OHCHR actively participated in a roundtable organized by the Danish Centre for Human Rights in Jordan from 29-30 September in the framework of a project on the role of NHRI in Arab societies in transition. The involvement of NHRC helped to improve their interaction with OHCHR and enhance the level of cooperation.

- **Target for Lebanon:** The NHRI in Lebanon is established in compliance with the Paris Principles to a high extent.
  In Lebanon, a draft bill was prepared with the assistance of OHCHR to establish a national human rights institution in compliance with the Paris Principles. The draft was submitted to the Lebanese Parliament in November 2011 and was transferred to the Human Rights Parliamentary Committee for review. The draft bill is the result of cooperation between the Lebanese Ministry of Justice and a large number of local and international human rights organizations.

- **Target not achievable within the biennium for Lebanon:** The level of compliance of policies with international human rights standards has significantly improved in one area: National Human Rights Action Plan (NHRAP).
  As of the end of 2011, the NHRAP had not been finalized or adopted. The working groups,
composed of Members of Parliament, line ministries and civil society organizations (CSOs) held discussions on studies that supported the plan. The current draft is not fully compliant with human rights standards and principles. OHCHR substantially contributed to the discussions by providing technical advice to the drafting team; and supported a group of non-governmental organizations (NGOs) to lobby on the issue. The draft plan will be submitted to the Human Rights Parliamentary Committee for discussion in 2012. The Regional Office will concentrate its efforts on improving the draft and advocating with Members of Parliament for its adoption in 2012.

State engagement with human rights mechanisms (EA 6)

▶ Target not achievable within the biennium: Increased compliance and engagement by Oman and the UAE with the Committee on the Elimination of Discrimination against Women. During 2011, OHCHR contributed to increasing knowledge of and engagement with human rights mechanisms by national stakeholders in Oman and UAE. Through the work of the gender adviser with different governmental and non-governmental organizations, OHCHR advocated with officials in Oman and UAE to withdraw their reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). To that end, OHCHR and various national partners organized two workshops. In Oman, a workshop was held for governmental officials to discuss the international human rights treaties and advocate for their ratification, as well as the withdrawal of reservations to some treaties including CEDAW. In UAE, a workshop was held with representatives from governmental organizations to discuss means and mechanisms through which to address issues raised in the concluding observations issued by the CEDAW Committee. While the feedback of participants was positive, further technical support is needed to improve the Government’s engagement.

▶ Target: Oman submits its report to the CEDAW Committee.

Oman submitted its report to the CEDAW Committee in October 2011.

Human rights mainstreaming within the United Nations (EA 11)

▶ Result achieved for which no target was set: OHCHR continued to cooperate with UN agencies to advance the rights of women. OHCHR supported the United Nations Country Team (UNCT) in Syria in mainstream gender concerns in the United Nations Development Assistance Framework (UNDAP) and provided technical support to UNICEF in the UAE to mainstream gender concerns and elaborate on protection areas in the national strategy for children.

▶ Target for Bahrain: The UN country strategy integrates human rights standards to a low degree.

Implementation of the strategy, which was not co-signed by the Government, was frozen due to the events taking place in the country.

▶ Target for Saudi Arabia: The UN country strategy integrates human rights standards to a low degree.

The Regional Office contributed to the Common Country Assessment (CCA)/UNDAP processes in Djibouti and Saudi Arabia by conducting training activities on the human rights-based approach for local UNCTs or by providing a resource person for such trainings. As a result, the two documents moderately incorporate human rights concerns and UN staff working on the ground were made aware of the importance of looking at neglected groups, including internally displaced persons from south-west Saudi Arabia and minorities in Djibouti.

▶ Target for the Syrian Arab Republic: The UNDAF integrates human rights standards to a low degree.

The Regional Office raised human rights concerns and incorporated recommendations stemming from the missions of two special rapporteurs to the country in 2010.


The Regional Office was instrumental in suggesting the inclusion of numerous human rights references in the regional UNDG response plan that was developed following a request from the Policy Committee. The plan included a number of recommendations related to principles of a human rights-based approach, such as participation, non-discrimination, accountability and minority rights, as well as the importance of establishing NHRIs and transitional justice.

▶ Target for Lebanon: The UNCT and the Office of the United Nations Special Coordinator for Lebanon (UNSCOL) integrate human rights standards and principles to a high extent.

In Lebanon, the Regional Office continued to actively participate in all integrated working groups (i.e., governance, Palestinian refugees, vulnerable groups and border areas, human rights) that were established under the Integrated Strategy, bringing together all UN presences in
the country (UNCT, UNSCOL and the United Nations Interim Force in Lebanon). OHCHR also participated in the Gender and Information Working Groups and chaired the Human Rights Working Group. A major achievement for 2011, in line with the UNDAF, was the launch of a human rights education campaign. In November and December, to coincide with Human Rights Day, the Regional Office took the lead in a series of teachings delivered by UN staff members and human rights defenders in schools and universities. A booklet highlighting Lebanon’s human rights challenges and the recommendations received during the Universal Periodic Review (UPR) was developed by the Human Rights Working Group and made available in Arabic, English and French.

- Result achieved for which no target was set: The Regional Office, together with ILO, took the initiative of drafting an employer’s code of conduct for national and international UN staff employing migrant domestic workers. The Lebanon UNCT endorsed the text in July and staff members were asked by Heads of agencies to sign it, preferably together with their employees. Several agencies consider it to be a mandatory procedure. The Code of Conduct complies with international norms but does not provide for a minimum wage.

**Challenges and lessons learned**

Establishing focused goals with a number of partners, especially on the Government side, increases the chances they will be achieved. Establishing trust and building capacity require the regular and timely provision of expert advice and training. This has been demonstrated through the various initiatives undertaken by the Regional Office, including in relation to gender, NHRIs, migrant domestic workers and reporting to the treaty bodies and the UPR process. Furthermore, regional work yields more results when it includes the participation of Governments and civil society instead of only UN regional mechanisms, in which OHCHR is a minor partner.

The upheaval in various countries across the region impacted on the capacity of the Regional Office to carry out its workplan as the attention of several Governments was justifiably diverted away from engaging with the UN to events taking place in the streets. In addition, previous efforts to engage with Syria came to an abrupt halt and due to the sensitivities of the situation, the Regional Office was not able to play the active role it could have under different circumstances.
activities according to international human rights standards and to support such efforts within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations.” The Centre’s broad mandate has been further elaborated in the Host Country Agreement between OHCHR and the State of Qatar which was signed in December 2008.

While the Centre was officially inaugurated in May 2009, it only began its regular activities in July 2010. The Head of the Centre was deployed in November 2010; two months prior to the start of the Arab Spring. While these events reaffirmed the need to strengthen capacities in the region, the challenges facing the Centre have grown alongside heightened expectations and limited resources.

During its first year of operation, the Centre managed to forge good relationships with various human rights actors in the region.

Results

National laws, policies and institutions (EA 1)

In May 2011, an agreement to integrate a human rights-based approach into the Arab Strategy for Combating Human Trafficking was reached as an outcome of the Regional Consultation on the Human Rights-Based Approach to Combating Human Trafficking organized by the Centre, in collaboration with the Qatar Foundation for Combating Human Trafficking. The Regional Consultation was attended by 70 participants from a number of Arab countries or territories, including Egypt, Jordan, Kuwait, Lebanon, the Occupied Palestinian Territory, Qatar, Saudi Arabia, Syrian Arab Republic, Sudan, United Arab Emirates (UAE) and Yemen. The Arab Strategy for Combating Human Trafficking represents a formal initiative by the League of Arab States (LAS) to strengthen regional implementation of the UN Protocol for Combating Human Trafficking (also known as the Palermo Protocol). An earlier draft of the Strategy was amended to include explicit references to OHCHR’s Recommended Principles and Guidelines on Human Rights and Human Trafficking. The Strategy also explicitly refers to OHCHR as an important partner in the struggle to combat trafficking. On the same subject, the Centre organized a workshop in December that focused on the OHCHR 2002 Recommended Principles and Guidelines on Human Rights and Human Trafficking for law enforcement officials. Members of national entities combating human trafficking attended from 10 countries of the region. The workshop was organized in collaboration with the Human Rights Department of the Ministry of Interior of the UAE.

In May, the Centre undertook an assessment mission to the Omani National Human Rights Commission with the purpose of assessing the capacity of new recruits in carrying out their tasks within the Commission. Based on the mission’s findings, the Centre developed a joint cooperation programme with the Commission to enhance the capacity of its staff and board members. The first activity within the framework of this cooperation programme took place in December when a workshop was organized to introduce newly recruited staff members of the Commission to the basic principles of human rights, the international protection system, the work of national human rights institutions and the Paris Principles.

Participation (EA 5)

Following a number of activities implemented by the Centre with journalists, coverage of human rights issues increased in the regional media. For example, a training workshop was organized in April in collaboration with Al Jazeera for Qatari journalists on the application of a human rights-based approach to media coverage and international mechanisms for the promotion and protection of human rights. In May, a two-day workshop was organized in collaboration with Al Jazeera and UNESCO to introduce media professionals to issues of legal protection for journalists, as well as application of international human rights law and international humanitarian law standards in times of armed conflict.

State engagement with human rights mechanisms (EA 6)

Technical support was provided to the Qatar National Human Rights Committee to follow-up on the implementation of a number of recommendations from human rights bodies, including the production of awareness-raising materials targeting foreign construction workers and the development of a questionnaire on the perception of the Qatari community regarding the rights of women. The results of the questionnaire will be used to develop a comprehensive programme for raising awareness in relation to women’s human rights.

International and regional laws and institutions (EA 8)

In cooperation with the Human Rights Office of the Qatari Ministry of Foreign Affairs, the Centre organized a two-day consultation on
strengthening the regional human rights mechanism for protecting human rights in member states of the Gulf Cooperation Council. The workshop aimed at sharing best practices and discussing ways to enhance the capacity of the new mechanism, resulting in the adoption of a number of recommendations, including the establishment of a consultative group to provide advice to the regional mechanism. The Centre is currently advising the human rights mechanism in the development of its plan of action.

Challenges and lessons learned

The current process of transformation underway in the Arab region has presented a new challenge in meeting the increased demand for human rights knowledge. Furthermore, the process of transformation has highlighted the need to focus on a number of emerging human rights capacity-building issues, for example, the use of social media for the promotion and protection of human rights. While the strong and principled stance taken by OHCHR in response to the Arab Spring has greatly enhanced the credibility of the Centre in the region, it has also heightened expectations that OHCHR will play a vital role in quickly improving the knowledge of human rights in the region.

United Nations Training and Documentation Centre for South-West Asia and the Arab Region (Doha, Qatar): Expenditure in 2011

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<td>-</td>
<td>33,951</td>
</tr>
<tr>
<td>Seminars, grants &amp; contributions</td>
<td>-</td>
<td>119,542</td>
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<tr>
<td>Subtotal</td>
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<tr>
<td>Programme support costs</td>
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<td>127,834</td>
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<td>GRAND TOTAL</td>
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<td>1,111,175</td>
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Human Rights Components in UN Peace Missions

United Nations Assistance Mission for Iraq

<table>
<thead>
<tr>
<th>Year established</th>
<th>2004</th>
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<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
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Background

During 2011, the general security situation remained precarious with a slight decrease in the overall number of civilian casualties compared with 2010. There was, however, an increase in targeted assassinations of political leaders, Government officials and security personnel, as well as the targeting of community and religious leaders, legal, medical and education professionals. The administration of justice and the rule of law remained weak with recurring reports of arbitrary arrests and torture and ill-treatment in detention. Conditions in many prisons and detention facilities were of serious concern, with many falling below international standards in terms of overcrowding, lack of hygiene and an absence of prisoner rehabilitation programmes. Lack of respect for freedom of expression and freedom of assembly were also of concern with reports of the use of excessive force during protests and harassment of journalists. Violence perpetrated against women and girls, including ‘honour crimes,’ continued to be of serious concern. Widespread poverty, high rates of unemployment, economic stagnation, environmental degradation and a lack of basic services continued to affect large sections of the population.

In 2011, the Council of Representatives re-initiated the process for establishing the Iraqi Independent High Commission for Human Rights (IHCHR) by appointing a Committee of Experts to undertake the process of nominating commissioners. The Committee was appointed in April 2011 and endorsed by the Council of Representatives in May 2011. By October 2011, a shortlist of candidates had been drawn up. In 2011, the Ministry of Human Rights agreed to draft a comprehensive national action plan aimed at implementing the 135 recommendations accepted by Iraq from the Universal Periodic Review (UPR) process as well as those proposed by civil society organizations, representatives of the Government and the judiciary during a national consultation conference held in Baghdad in June. The final plan, which will include
an implementation road map, is anticipated to be finalized by the Council of Ministers by the beginning of 2012.

The United Nations Assistance Mission for Iraq (UNAMI) Human Rights Office (HRO) engages in the promotion and protection of human rights and the rule of law in close collaboration with governmental and non-governmental sectors, in accordance with Security Council resolution 1936 (2010). It also represents OHCHR in Iraq. In this context, UNAMI-HRO developed strategic partnerships with Government counterparts, in particular the Ministry of Human Rights, the Ministries of Justice, Defence, and Interior as well as with the Human Rights Committee of the Council of Representatives and civil society organizations (CSOs). Focus areas of the HRO’s work include assisting with the establishment of the IHCHR and helping to elaborate a national action plan in follow-up to the UPR. Furthermore, UNAMI-HRO contributes to justice sector reform including through its work with UNICEF on the juvenile justice system project and a range of activities targeting the promotion of women’s rights. As a result of HRO’s multi-year training activities for human rights defenders, Iraq currently has a number of active and competent non-governmental human rights organizations. Other areas of HRO’s work include the training of Government officials and members of civil society on human rights law and relevant obligations and awareness-raising activities and human rights education for the general public. As part of its advocacy efforts, the Office produces reports, some of which are made public, based on its ongoing monitoring of the human rights situation in Iraq and makes specific recommendations for steps to be taken by various stakeholders. The Office also conducts advocacy in relation to specific human rights issues with the Government and other duty-bearers.

Results

National laws, policies and institutions (EA 1)

- In an important development, on 29 March 2011, the Parliament announced the formation of a Committee of Experts to nominate commissioners to serve on the Iraqi Independent High Commission for Human Rights. The Committee, which was formally endorsed by the Council of Representatives, is composed of 15 representatives: eight from the Council of Representatives, two from the High Judicial Council, two from the Council of Ministers, two from civil society organizations and a representative from UNAMI. The Committee re-opened the nomination process and a total of 3,052 applications were received (including 1,466 applications received during a previous nomination process). As of December 2011, the Committee had selected 161 candidates based on objective criteria. UNAMI, in partnership with UNDP, is providing technical and logistical support to the process.

- The Ministry of Human Rights drafted a national action plan that encompassed the UPR’s 135 recommendations and submitted the plan to a National Consultation Conference held in Baghdad in June 2011. Conference delegates from the Government, the judiciary and civil society made amendments and recommendations on the draft. At the end of December 2011, the Government was still in the process of amending the draft plan to incorporate the consultation conference’s recommendations. OHCHR is
providing technical advice and continues to advocate with Government authorities for the finalization of the National Action Plan.

The Journalist Protection Law that was amended and passed by the Council of Representatives in August 2011 is an improved version of the original text submitted by the Government but still needs to be amended to ensure it meets international standards. UNAMI-HRO is continuing its advocacy with governmental and State authorities to improve the law. In this respect, the Office has conducted several meetings and a national conference on freedom of expression for national authorities and members of the Council of Representatives in order to raise their awareness of international human rights standards.

The Government of Iraq closed down the Al-Sharaf detention centre in Baghdad’s Green Zone as a result of the human rights abuses that were uncovered during a month-long investigation conducted by Iraq’s Ministry of Human Rights. This was a result of concerns voiced by UNAMI in the public 2010 Annual Human Rights Report for Iraq. Furthermore, the Human Rights Committee of the Council of Representatives became more active and took some proactive steps to monitor and report on the conditions in detention facilities and prisons. International pressure and OHCHR’s advocacy played an important role in this result.

The law for combating domestic violence in the Kurdistan region of Iraq was adopted, representing a significant development towards the protection of women and children and the prosecution of those who perpetrate domestic violence. UNAMI participated in the working group “domestic violence and protection of women and children” in 2010 and provided technical advice and expertise. Female genital mutilation and ‘honour killings’ remain a significant concern which the Kurdistan region needs to address through legislative reforms and social education programmes.

Ratification (EA 2)

On 7 July 2011, Iraq acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), but has rejected a moratorium on the implementation of the death penalty and consideration of its abolition. UNAMI-HRO is working closely with the Ministry of Human Rights, as well as the Ministry of Justice, to try to curb the pattern of executions in Iraq and is using its good offices to try to convince the Government to adopt a moratorium.

Human rights mainstreaming within the United Nations (EA 11)

The Iraq United Nations Development Assistance Framework (UNDAF) was conceived and prepared in consultation and coordination with UNAMI-HRO. All of its programmes and activities are human rights-based. UNAMI-HRO is represented in all UNDAF priority working groups and its members are contributing to the implementation and definition of the priority areas and activities. It is worth noting that a priority working group has been established that is specifically focused on governance and human rights. Its sub-working group on protection is co-chaired by UNAMI-HRO and UNHCR.

Challenges and lessons learned

While there has been some progress achieved regarding the respect and protection of human rights throughout Iraq in recent years, the situation remains fragile as a result of the ongoing conflict situation. Widespread poverty, economic stagnation, lack of opportunities, environmental degradation and an absence of basic services constitute “silent” human rights violations that affect large sectors of the population. Armed violence continues to impact negatively on civilians and civilian infrastructure. Due to the security situation, the Office is at times unable to provide the desired support to individuals or groups in need of assistance, while at the same time it is also very difficult, if not impossible, for victims to reach the Office. Similarly, the mechanisms in place to refer cases to the Government, the Kurdistan Regional Government, or civil society organizations for follow-up, redress and any kind of assistance, continue to be weak.

The Office has, however, developed a very strong partnership with civil society organizations operating in various locations throughout Iraq. The Office has strong partnerships with UN agencies, in particular with UNDP, UNOPS and more recently with UNESCO, in conducting and implementing joint programming and specific activities. The Office is currently collaborating with UNDP to implement a project to provide technical assistance to the Council of Representatives in establishing the Independent High Commission for Human Rights and with UNOPS in assisting the Government in the finalization of the National Action Plan and the establishment of a network of human rights defenders. This has proven to be very effective in partially overcoming the security and logistical constraints of working in Iraq and has paved the way for further UN joint programming.
Building the Human Rights Monitoring Capacity of Iraqi NGOs in Southern Iraq

Located in the far south of Iraq, Basra is a low-profile giant. This big city has huge economic potential due to its oil fields and seaport. Headline-grabbing bomb attacks and assassinations are mercifully rare. Nevertheless, the people of Basra are disadvantaged by the effects of poverty, environmental damage and other “silent” human rights violations. Like elsewhere in Iraq, the population of Basra also suffers due to the neglect and abuse of a dysfunctional rule of law system.

The UNAMI-HRO established a presence in Basra in 2005 and 2006, was later evacuated due to rising threats of insecurity, but returned again in 2009 to become one of only two substantive UNAMI sections represented in Basra. In pursuing the official UNAMI mandate of promoting the protection of human rights in Iraq, HRO Basra began monitoring the human rights situation and communicating with interlocutors in Government and civil society. Due to movement restrictions imposed on UNAMI international staff, HRO’s capacity to undertake site visits is limited. HRO relies heavily on the support of Iraqi civil society organizations. Improving the monitoring and reporting skills of local human rights defenders is therefore crucial, particularly at a time when the Arab Spring has demonstrated the degree to which courageous and knowledgeable human rights defenders can galvanize forces that are demanding democracy, justice and respect for human rights.

In 2011, HRO organized a human rights training course in Basra, targeting representatives of non-governmental organizations (NGOs) from Basra and other governorates in southern Iraq. The workshop began with a brief introduction to major international human rights instruments and an overview of human rights reporting by the UN, the Government and NGOs. In working groups, the participants were invited to explore the key principles, practices and skills of human rights monitoring and reporting and explored a variety of questions, including: What is monitoring and what is being monitored? Why monitor at all? Who monitors? What are the elements of effective monitoring? What equipment is needed to monitor? With regard to the task of reporting what has been monitored, the participants discussed potential sources of information and a template for an incident report. They debated to whom a report should be addressed in order to enhance its impact. Finally, they discussed what could be expected as a result of writing and submitting a human rights report.

On the second day of the training, the participants were tasked with watching three video clips of human rights situations: one of an apparent extrajudicial killing and two of violence during demonstrations. They then analysed the information contained in the films and presented their findings in a human rights incident report. The participants learned to pay attention to details and use their own knowledge to complete the picture without making unsustainable assumptions. While the factual analysis of the portrayed incidents was quite accurate, many participants found it difficult to distinguish between violations of human rights (by State agents) and violations of criminal law (by non-State actors), and some argued for an unlimited horizontal application of human rights. This type of approach is not unreasonable in Iraq where the distinction between perpetrators of human rights violations and ordinary crimes is frequently blurred.

United Nations Support Mission in Libya

<table>
<thead>
<tr>
<th>Year established</th>
<th>2011</th>
</tr>
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<tbody>
<tr>
<td>Staff as of 31 December 2011</td>
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</table>

Background

Libya has inherited a vast legacy of human rights violations perpetrated by the previous regime over a 42-year period. In addition, Libya’s population is dealing with violations of human rights and international humanitarian law committed during the armed conflict in 2011, including crimes against humanity and war crimes. While the National Transitional Council and the interim Government have taken steps to address key challenges, much remains to be done in the area of transitional justice, including promoting accountability for past violations, upholding human rights and the rule of law, as well as delivering economic development and democratic governance. The Libyan revolution, which led to the adoption of the Declaration of Liberation, has been accompanied by the emergence of numerous active non-governmental organizations (NGOs), including women’s groups across the country. Youth groups also are emerging as important partners in strengthening the civil society movement and addressing a range of social and political challenges.

The United Nations Support Mission in Libya (UNSMIL) was established by UN Security Council resolution 2009 (16 September 2011) to assist and support Libyan national efforts to promote and protect human rights, particularly for those belonging to vulnerable groups and support transitional justice efforts. The resolution called upon Libyan authorities to comply with their obligations under international law, including international
humanitarian and human rights law and ensure that those responsible for violations are held accountable in accordance with international standards. Pursuant to UNSMIL’s mandate, the Human Rights Section (HRS) assists the Libyan authorities in responding to human rights issues, such as detention, provides advice and training on transitional justice matters and assists in liaising between various national and international actors in mobilizing assistance. The HRS also assists in building and reinforcing the capacity of civil society actors to promote and protect human rights.

Results

National laws, policies and institutions (EA 1)

- In December 2011, a decree was adopted establishing the National Council for Public Liberties and Human Rights. The interim Government took the initiative to create a national institution that can play a major role in integrating human rights in Government policymaking, legal reform, advocacy for human rights and follow-up with authorities on their reporting obligations to human rights mechanisms. HRS will continue to work towards ensuring that the newly established national institution complies with the Paris Principles.
- The Minister of Justice sought to bring all detainees held by the revolutionary brigades under the control of the Ministry. As of early 2012, the control of 23 detention centres had been transferred to the Ministry of Justice. HRS will continue to work with the interim Government to accomplish the transfer of control of all detention centres to the Ministry of Justice, enhance the rule of law and ensure the justice system is operating in compliance with international standards. Based on interviews conducted with detainees in a number of places of detention, including Benghazi, Misrata, Tripoli, Zawiya and Zintan, UNSMIL raised concerns regarding detention cases with the interim Government to ensure compliance with international human rights standards.

Justice and accountability mechanisms (EA 3)

- A Transitional Justice Law was adopted. With input from OHCHR headquarters, HRS provided comments on an initial draft, stressing that additional public consultation was necessary; advised on addressing technical deficiencies of the draft law; and shared information on global best practices on transitional justice. The majority of suggestions provided by OHCHR and UNSMIL were not integrated in the final law.
- On 5 October, the National Commission for the Search and Identification of Missing Persons was established by decree. HRS coordinated with the Commission and the Ministry for the Families of Martyrs and Missing Persons in order to clarify their respective roles. HRS also provided advice and facilitated coordination among international actors seeking to provide assistance to the Commission. In early 2012, the National Commission was dissolved and the work on missing persons was taken over by the Ministry for the Families of Martyrs and Missing Persons.

Participation (EA 5)

- HRS supported efforts by Libyan human rights activists to advocate for the compliance of new Libyan laws with international human rights standards, including by promoting civil society participation with duty-bearers, organizing
training sessions and supporting conferences and events to mark Human Rights Day. HRS’s actions initiated a process of building the knowledge of Libyan civil society actors about their rights.

State engagement with human rights mechanisms (EA 6)

In September 2011, the then-interim Minister of Justice spoke at the Human Rights Council and extended a standing invitation to the special procedures and the High Commissioner. HRS will work with the Libyan authorities to support its efforts to comply and engage with the human rights mechanisms.

Human rights mainstreaming within the United Nations (EA 11)

In pursuing its mandate on reconciliation, UNSMIL has consistently integrated international human rights standards to ensure that the Libyan transitional justice process is based on human rights norms and principles. Moreover, the Mission has pursued an approach based on human rights standards and gender mainstreaming when dealing with transitional issues, such as improving the functioning of the judiciary and prisons. HRS works closely with the United Nations Country Team (UNCT) to ensure that a human rights-based approach, including gender mainstreaming, is integrated into the design of projects and programmes.

Challenges and lessons learned

A key challenge in the field of transitional justice is ensuring an appropriate balance between accountability, justice and reconciliation. The new mechanisms being established bear a heavy burden of facilitating resolution of the cases of close to 25,000 missing persons and promoting the right to truth for victims. In addition to prosecution initiatives, it will be essential to explore the full range of transitional justice processes, including truth seeking, reparation for victims, justice for perpetrators and institutional reforms.

Experience has shown that successful transitional justice strategies require meaningful public participation. A comprehensive process of national consultations is a critical element that enables the crafting of an appropriate, context-specific transitional justice strategy in which the rights and needs of victims are reflected, including vulnerable groups, women and children.

On 10 and 11 December, HRS and the University of Tripoli marked the anniversary of the Universal Declaration of Human Rights by holding a two-day training session on human rights for 35 students of the Faculty of Law. The session aimed at increasing the level of awareness and understanding of human rights and fostering mutual understanding and tolerance among youth. Students provided a positive evaluation of the event and expressed their intention of establishing a human rights movement on campus to promote human rights knowledge. They also noted the recent creation of discussion forums on a University webpage and efforts undertaken to liaise with NGOs and UN entities and agencies on various human rights issues. UNSMIL will ensure that follow-up steps are taken, including the organization by UNSMIL and OHCHR of human rights lectures on campus and the distribution of documentation for students.

In Benghazi, the anniversary of the Universal Declaration of Human Rights was publicly marked for the first time at an event organized by the National Prevention against Violence Committee, with support and participation from UNSMIL and OHCHR, a range of NGOs and youth and women’s groups. At the event, the Association of Abu Salim Families reiterated their long-standing demand for the truth to be revealed about the fate of their loved ones, believed to have been killed in the Abu Salim Prison in 1996, and for those responsible for their deaths to be held accountable. HRS delivered a well-received speech and OHCHR funded the printing of human rights materials.