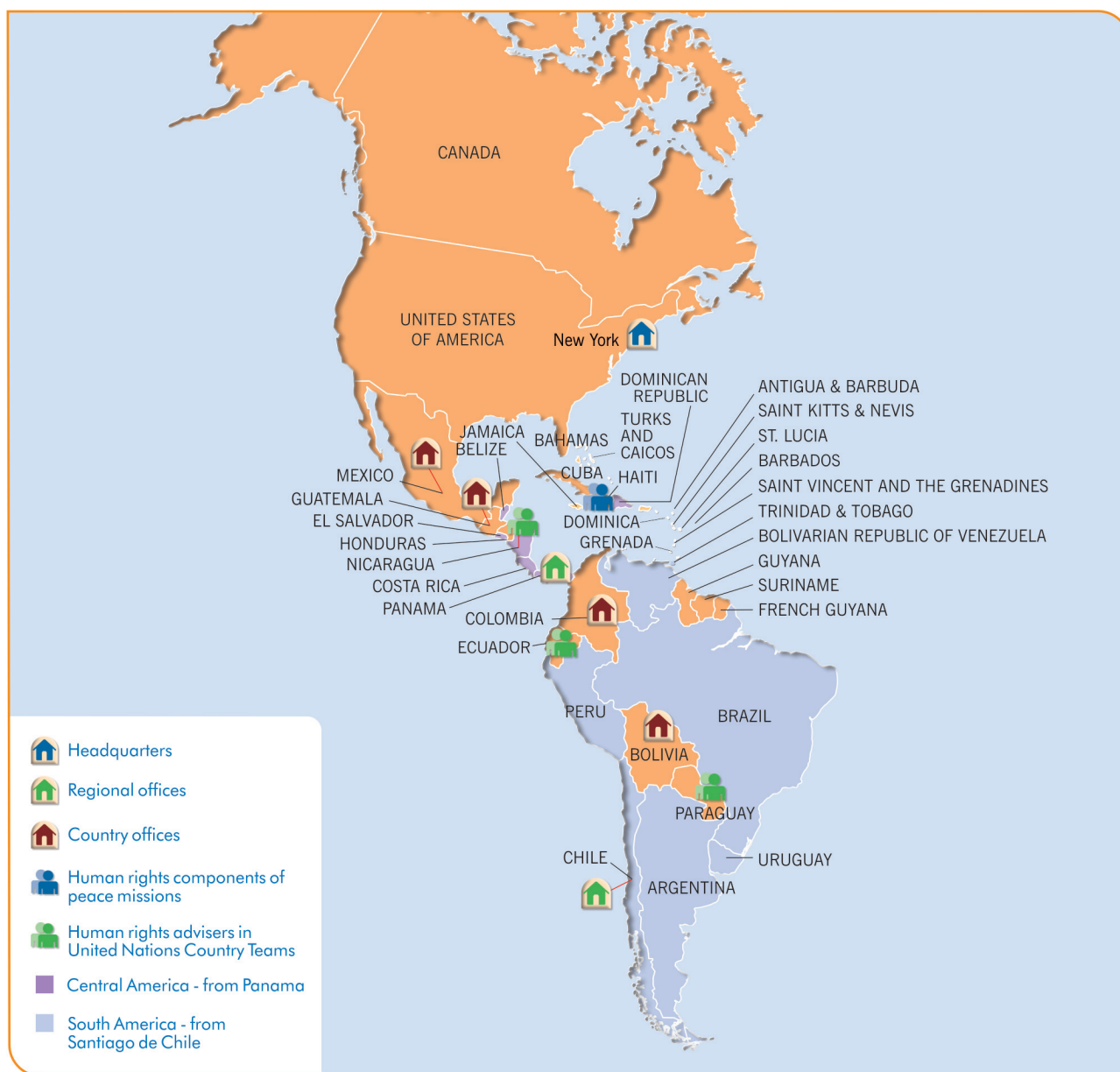


# OHCHR in the field: Americas



Type of presence	Location
Country offices	<ul style="list-style-type: none"> <li>Bolivia</li> <li>Colombia</li> <li>Guatemala</li> <li>Mexico</li> </ul>
Regional offices	<ul style="list-style-type: none"> <li>Central America (Panama City, Panama)</li> <li>South America (Santiago de Chile, Chile)</li> </ul>
Human rights component in UN Peace Mission	<ul style="list-style-type: none"> <li>Haiti</li> </ul>
Human rights advisers in UN Country Teams	<ul style="list-style-type: none"> <li>Ecuador</li> <li>Honduras</li> <li>Paraguay</li> </ul>

OHCHR's work in the Americas continued within a background of overall stable democracies, solid human rights protection frameworks and an active and engaged civil society. Nevertheless, high levels of insecurity and violence, including against women, posed increasing threats to democratic and human rights gains and political stability. Exclusion continued to disproportionately affect Afro-descendant populations and indigenous peoples.

The impact of the global economic and financial crises was less prevalent in the Latin American region as poverty and inequality have been reduced in many countries. This has primarily been the result of sustained commitments to implement policies that privilege social investment. OHCHR

continued to support 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, mainly in Colombia, Guatemala and Mexico. Transitional justice continued to register gains, especially in South America, but 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, the functioning of the justice system and harmonization of legislation and jurisprudence with human rights standards.

In the light of rising violence in much of the region, its impact on a wide range of rights and State responses that are often at odds with human rights principles, OHCHR advocated for the strengthening of State ability to protect their populations. The Office promoted the adoption of human rights-based laws and policies to prevent the further erosion and violation of rights in the name of security. The Office also continued its work with the Southern Common Market (MERCOSUR) and the Central American Integration System (SICA) on security, as well as with the Inter-American Commission on Human Rights (IACHR). 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. The project initiated by IACHR, the Special Rapporteur on torture, the Committee against Torture and the Subcommittee on Prevention of Torture to compile and analyse all recommendations to American States, continued in 2012 and is expected to be concluded in early 2013.

In Latin America, where there is a high rate of ratification of international human rights treaties, OHCHR has promoted wider use of UN 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, the focus has been on encouraging engagement with human rights mechanisms. Solid partnerships with United Nations Country Teams (UNCTs) in the Caribbean were established following the first visit of the High Commissioner for Human Rights to the region in April. OHCHR's Americas Section is now a full member of the Inter-Agency Working Group on Human Rights and regularly participates in its meetings. The Section also continued its support to the transition from emergency to development status in Haiti.

The Section supported and accompanied the visits of the High Commissioner to Guatemala (March) and Barbados (April), and the Assistant Secretary-General's visit to Haiti (September). It maintained close contacts with regional organizations, in particular the Inter-American Commission on Human Rights, as well as with UN departments and agencies, governmental institutions, national human rights institutions, members of parliament, civil society organizations, academia and human rights activists. In particular, the Section maintained very close links with the Inter-American system, which came under strong attack from countries in the region, including by issuing three press statements by the High Commissioner in support for the Inter-American system.

During 2012, OHCHR maintained 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. In countries where OHCHR is not present, it follows human rights issues from its regional offices and through support to UNCTs. In collaboration with the UPR Section, and by using UPR funds, a national human rights officer has been deployed in Barbados since mid-November to assist the UNCT and the Government to implement UPR recommendations at the request of the Government. 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.

## Country Offices

### Bolivia

Year established	2007
Staff as of 31 December 2012	16
Expenditure in 2012	US\$ 1,577,768

### Results

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

- ▶ In October, the Plurinational Constitutional Court (PCC) ruled that the offence of defamation against civil servants (*desacato*) is unconstitutional on the grounds that it infringes on the right to freedom of expression. This decision came after repeated recommendations from the High Commissioner to eliminate this offence from Bolivian criminal law and followed concerted advocacy work undertaken by the Office in 2012 with the media and the three branches of government. Many actors in the country view the decision as a major step forward in ensuring the independence of the judiciary.
- ▶ On 30 June 2012, the PCC issued a decision regarding the right of indigenous peoples to consultation, specifically in relation to the indigenous communities living in the Isiboro Secure National Park and Indigenous Territory (TIPNIS). The decision outlined the nature and scope of the right to consultation and the applicable principles and requirements that are necessary for the enjoyment of this right, in accordance with international standards. OHCHR contributed to enhancing the awareness of some 130 judges and magistrates on this matter through the organization of training sessions and a seminar with international experts.
- ▶ The Plurinational Legislative Assembly adopted two important laws related to the rights of women, namely Law 243 on Harassment and Political Violence against Women and the Comprehensive Law 263 against Trafficking of Persons, in line with the national Constitution and international human rights conventions. OHCHR supported this achievement by providing technical assistance to the Alliance for the Legislative Agenda for Women, a network of legislators and civil society organizations, in the drafting and revision of the laws in conformity with international human rights standards. The adoption of these laws contributed to the fulfilment of recommendations made by CEDAW to the Bolivian State.
- ▶ The National Committee against Racism and All Forms of Discrimination adopted an action plan, the implementation of which requires the allocation of appropriate resources. Throughout the adoption process, OHCHR advocated with relevant authorities, including by supporting an official visit in September of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In addition, OHCHR provided advice to departmental committees in Tarija and Chuquisaca related to the continuing development of their respective action plans.
- ▶ In 2012, OHCHR-Bolivia promoted the conclusion of a cooperation agreement between the Ministry of Justice and the National Institute of Statistics for the joint development of human rights indicators that are based on OHCHR methodologies. Both institutions prioritized the following six human rights for the first phase of project: right to food, education, health, labour, housing and the right of women to live free of violence. The development of the indicators was carried out by six technical committees comprised of representatives of relevant State institutions. Following a number of workshops that were supported by OHCHR and included close to 300 participants, the Ministry of Justice and the National Institute of Statistics presented a final proposal at the end of 2012.
- ▶ On 30 November, the National Action Plan on Human Rights Education was adopted by the National Human Rights Council, an inter-institutional organ responsible for the implementation of the National Human Rights Action Plan, which was mandated by the Ministry of Education to develop a human rights education plan. The elaboration of the Human Rights Education Plan was the result of a two-year participatory process which involved staff from the Ministry of Education, the Ministry of Justice



Indigenous children at the Isiboro Secure National Park and Indigenous Territory (TIPNIS) in Bolivia looking at material on the right to prior consultation.

The Ministry of Justice and the National Institute of Statistics INE, initiated the development of human rights indicators with the technical assistance of OHCHR-Bolivia. This turned out to be a successful experience on how to coordinate an institutional process to establish a set of indicators.

The Office organized a number of workshops to highlight the importance of developing indicators.

Based on the Office's Methodological Guide on human rights indicators and at the suggestion of the Office, six human rights were prioritized for the first phase of the process: food, education, health, labour, housing and the right of women to



live free of violence. Six technical committees, one for each right, were established with representatives of the key governmental institutions

related to the prioritized areas and accompanied by technical staff of the INE, the Ministry of Justice and OHCHR-Bolivia. A participatory methodology was also jointly designed. The six committees prepared the initial documents that were disseminated in national workshops with the participation of other relevant actors and shared with the UN agencies, headquarters and other governmental institutions. At the final stage, the indicators were made available through a website which was officially launched on 10 December 2012, during a public event in presence of several Government and State institutions. OHCHR-Bolivia will follow up on implementation of the system in 2013.

and the Office of the Ombudsperson, as well as approximately 1,000 representatives from the nine departments of Bolivia, including indigenous communities, human rights organizations, educational institutions, persons with disabilities, women, elders, lesbian, gay, bisexual and transgender persons, national, departmental and municipal governments, the police and the armed forces. OHCHR closely followed the process and provided technical assistance and advice.

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

- Civil society organizations drafted the first alternative reports to the Committee on the Rights of Persons with Disabilities. OHCHR contributed to this result by training approximately 150 representatives of these organizations on the Convention on the Rights of Persons with Disabilities, its reporting cycle and the guidelines for preparing reports.

### Bolivia: Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	-	952,464
Consultants	-	148,975
Official travel	-	64,833
Contractual services	-	25,200
General operating expenses	-	97,840
Supplies & materials	-	7,900
Seminars, grants & contributions	-	99,043
Subtotal	-	1,396,255
Programme support costs		181,513
<b>GRAND TOTAL</b>	<b>-</b>	<b>1,577,768</b>



## Colombia

Year established	1997
Staff as of 31 December 2012	66
Expenditure in 2012	US\$ 8,389,400

## Results

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

► Information collected by the Office through its monitoring work was the basis for the production of a number of leading human rights reports such as the 2011 Annual Report of the High Commissioner on the situation of human rights in Colombia, presented to the Human Rights Council in 2012. Additionally, recommendations, thematic reports, analytical notes and briefings on land restitution and victims' rights, among other topics, were prepared and shared with relevant governmental institutions and other stakeholders. These reports, which led to the identification of patterns and trends of violations of human rights and international humanitarian law, aimed at increasing the State's responsiveness and accountability for these violations through changes in legislation, policies and practices. An example of the impact of OHCHR monitoring work in 2012 involved indigenous communities in the Cauca region, which denounced the negative impact that the intensification of the armed conflict had on their rights and daily lives and demanded that the State and illegal armed groups respect their territorial authority. This demonstration, followed by concrete actions such as removing barriers from police and military installations and arresting and judging members of the FARC-EP using traditional justice mechanisms or physically removing soldiers from their territory increased the risk of violent suppression. This risk was neutralized by the interventions of OHCHR, the Special Rapporteur on the rights of indigenous peoples, the UN Resident Coordinator and other partners, through their presence, written communications, press releases and op-eds. After some weeks of discussion, the President of Colombia met with indigenous authorities from the region, apologized for the human rights violations they had suffered during the conflict and established a high-level process with indigenous authorities to review the situation. Over several months, indigenous authorities met with Ministers, Vice Ministers and other high-level officials to discuss recognition of and respect for autonomy, property, territorial control and self-government, in addition to prior consultation, health, education and communication. This process has contributed

to increasing the trust of indigenous communities towards State institutions and to the Government's understanding of the needs of indigenous peoples.

- A constitutional reform that expands military criminal jurisdiction to investigate and decide cases of human rights violations, which should be under the authority of the ordinary justice system, was passed by Congress and promulgated by the President in December 2012. Some of the elements most detrimental to human rights were changed as a result of international and national pressure, yet concerns persist that this reform will lead to impunity in cases of serious human rights and humanitarian law violations. The reform passed and is currently under review by the Constitutional Court, despite advocacy efforts undertaken by the Office, the High Commissioner, 11 special procedures mandate-holders, the Inter-American Commission on Human Rights, as well as embassies and national and international civil society organizations.
- The National Human Rights Education Plan (PLANEDH), developed with the support of OHCHR, was integrated into the National System of Human Rights and International Humanitarian Law. The System was created to coordinate regulations and policies, as well as national and territorial entities, with the purpose of promoting human rights. PLANEDH integrated teacher training policies and human rights education programmes into municipal and departmental development plans. Furthermore, the capacity of 250 teachers belonging to 125 educational institutions was strengthened through three training cycles on human rights and human rights education carried out by the Office. As a result, these teachers were able to influence their institutions' Educational Projects by introducing a human rights-based approach. Additionally, The Ministry of Justice created a programme



OHCHR staff undertaking a consultation with the Chimila indigenous population in Colombia, April 2012.

called “Eduderechos,” based on quality standards developed by the former UN Special Rapporteur on the right to education. This programme offers practical means to include a human rights-based approach into teacher training programmes, which is considered an added value to PLANEDH.

- ▶ The Office conducted an assessment on the functioning of the Ombudsman’s Office and presented its recommendations to the new Ombudsman, who took office in August. During the first few months of his mandate, the Ombudsman began to implement some of the recommendations made by OHCHR, including on strengthening support to victims at the national, regional and municipal levels.
- ▶ As a result of support provided by the Office to the National Working Group on Guarantees to Human Rights Defenders, a coordination mechanism that includes key State institutions, such as the Ministries of Interior and Defence, as well as NGOs, acknowledged the importance of the Early Warning System of the Ombudsman’s Office and committed to its strengthening. OHCHR also promoted strengthening its risk-assessment and response-capacity to ensure more effective protection measures for human rights defenders at risk. In particular, OHCHR’s advocacy contributed to the prioritization of urgent cases by the Committee for Risk Assessment and Recommendation of Protective Measures and the granting of urgent measures.
- ▶ A seminal nationwide human rights process enabled the Government to collect inputs for developing a national public policy on human rights and international humanitarian law. The process, led by the country’s Vice-President, was accompanied and supported by the Ombudsman’s Office, the Public Prosecutor’s Office, the National Congress and representatives of civil society and the international community. Overall, approximately 12,000 persons and 8,000 social organizations participated in 25 forums held across the country. OHCHR was part of the technical team in charge of designing and monitoring the methodology of the process and was responsible for moderating almost all 25 forums to collect inputs on topics, including human rights education, victims’ rights and violations of the right to life, which will serve as a basis for designing relevant public policy. The process for collecting inputs culminated in a three-day National Human Rights Conference in Bogota in December 2012.
- ▶ In its judgment regarding statutory provisions to ensure the full realization of the rights of persons with disabilities, the Constitutional Court ruled that the related legislation collects

and systematizes existing developments in relation to these rights, including the standards of the Convention on the Rights of Persons with Disabilities, which was ratified by Colombia and incorporated into domestic legislation. The Office advocated for the ratification of the Convention and provided technical assistance on the preparation of implementing legislation, which includes the creation of an independent mechanism for the promotion, protection and monitoring of the rights of persons with disabilities.

- ▶ As a result of recommendations made by OHCHR in 2011, the Ministry of Defence held a three-day event on strengthening the role of operational legal advisors as prevention mechanisms and another workshop on the integration of human rights in operational documentation processes to identify shortcomings, solutions and best practices. During 27 joint missions to military units carried out in 2012, OHCHR facilitated the identification of solutions with regard to obstacles and advances in the implementation of internal control mechanisms to prevent and respond to alleged extrajudicial executions and other human rights violations.

#### **Ratification (EA 2)**

- ▶ On 11 July 2012, Colombia deposited the instrument of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, becoming the 34th State Party. The Convention entered into force in the country on 10 August 2012.

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

- ▶ The concept of protection has changed for victims and public institutions from being an issue restricted to the police towards an enhanced concept of security and sustainability which also contemplates the full realization of victims’ rights to truth, justice, reparation and guarantees of non-repetition. OHCHR played a crucial role in this change by monitoring, reporting and advising authorities to take prompt and effective action in cases of threats, attacks and persecution of persons, in particular those involved in land restitution processes (in the context of the implementation of the Victims’ and Land Restitution Law 1448 /2011) and provided support to authorities to ensure more effective protection. For instance, in the department of Bolivar, protection measures were granted by the National Protection Unit to a land restitution claimant whose life was threatened by post-demobilization groups. In another case, the intervention of OHCHR in Becerril helped a group



OHCHR staff carrying out awareness-raising activities with children in Guania, Colombia.

of investigators and journalists working on cases related to land grabbing to receive protection from the police to carry out their work.

- In the context of the peace process that began in 2012, the Head of the Colombia Office published three op-eds and was interviewed numerous times by the media on human rights issues related to the process. OHCHR held an ongoing dialogue with Government representatives and sent messages through various interlocutors to the FARC-EP regarding the need to confront their past human rights violations in order for the process to meet international standards. The Office also stressed on several occasions that the peace process should take into account the opinions and desires of the victims of past violations to meet international obligations.

#### Participation (EA 5)

- Indigenous peoples and Afro-descendant communities were able to express their views on the existing regulations on the right to free, prior and informed consent through a participatory consultation process carried out by OHCHR, which collected and analysed the expectations and recommendations of more than 3,300 rights-holders. The process contributed to an increase in the knowledge of ethnic Colombian peoples, organizations and traditional authorities on the international norms related to free, prior and informed consultation and consent. It also contributed to strengthening indigenous, Afro-descendant and Rom organizations and promoted dialogue between them and State authorities at the local level. Additionally, a number of ethnic

communities initiated a process of internal reflection and discussion that led to the adoption of local guidelines on ways that external actors must consult with them. OHCHR is using the outcomes of this participatory process to assist duty-bearers to comply with their obligations and consider a review of existing procedures for the full realization of this right.

- OHCHR encouraged victims to use national protection mechanisms and fostered protection measures by the National Protection Unit to several persons at risk. The impact has been immediate in almost all cases, including, for example, in 19 cases in Cauca, Putumayo and Valle del Cauca.

#### Colombia: Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	-	5,563,321
Consultants	-	329,682
Official travel	-	233,926
Contractual services	-	159,800
General operating expenses	-	733,282
Supplies & materials	-	334,559
Seminars, grants & contributions	-	69,678
Subtotal	-	7,424,248
Programme support costs		965,152
<b>GRAND TOTAL</b>	-	<b>8,389,400</b>



## Guatemala

Year established	2005
Staff as of 31 December 2012	28
Expenditure in 2012	US\$ 3,546,221

## Results

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

- The Office provided recommendations to the Government of Guatemala on a number of security policies to improve their compliance with international standards. For instance, the Covenant for Security, Justice and Peace developed by the Ministry of Interior, incorporated some of the Office's recommendations, such as the application of a human rights-based approach to public security, rather than a military approach. In another example, the Government reviewed Decree 40-2000 on the intervention of armed forces and included some human rights elements recommended by the Office. Nevertheless, the Decree does not clearly exclude the use of the armed forces in situations social protest.
- OHCHR documented and brought to the attention of authorities a number of abuses committed by members of local security bodies. As a result, the Public Prosecutor's Office and the Judiciary responded positively by investigating and

prosecuting members of these bodies, such as in the case of three local security members accused of inflicting injuries in Panajachel, Sololá.

- Technical assistance and advice was provided by OHCHR to the Congress, through its different commissions, to ensure the compliance of legal reforms with international standards. In this regard, the Office retained its permanent seat in the Working Group on Security and Justice, through which it participated in the discussion on proposed constitutional reforms and presented a document on reform processes and their compliance with international standards. The Office also worked closely with the Commission on Migrants on the revision of the Law on Migration, the draft of which incorporated recommendations made by the Special Rapporteur on the rights of migrants and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families.
- In 2012, the Rome Statute of the International Criminal Court was ratified, and a law on criminal investigation and the regulations for the Law on the Penitentiary System were adopted following years of engagement and advocacy work undertaken by the Office with authorities and civil society.
- Following an OHCHR assessment of challenges faced by the Labour Inspectorate in the protection of the rights of land workers which was shared with the Ministry of Labour, the capacity of



The High Commissioner visits a human rights photography exhibition in Guatemala.



the General Labour Inspectorate (GLI) was strengthened with the hiring 100 inspectors. Furthermore, to contribute to the increased number and quality of rural inspections carried out by the inspectors, OHCHR and the GLI developed a protocol to monitor the labour rights of land workers which is expected to be adopted in 2013. In addition, OHCHR continued to monitor the human rights situation of land workers in 2012 and five cases of violations were documented.

- ▶ The Constitutional Court made important decisions that incorporate human rights standards in specific cases, including on indigenous peoples' rights, housing and access to information, due in part to technical assistance provided by OHCHR to magistrates and lawyers and capacity-building activities carried out with legal clerks.
- ▶ The Office provided technical advice to members of the judiciary to ensure that the proposed reforms to the Law on the Judicial Career are in compliance with international human rights standards. The Office will continue working with the President of the Court to ensure that the proposed reforms are presented before the Congress. Additionally, the Office carried out an evaluation of the training programme that has been in place since 2009 at the School of Judicial Trainers. The review showed positive results, including an increased use of international standards in judicial decisions.

### Participation (EA 5)

- ▶ The Office continued providing technical assistance to indigenous leaders in different departments of Guatemala to enhance their participation in decision-making processes. The Office opened a space for dialogue on and analysis of various themes related to the protection of their rights, including in light of the proposed Constitutional Reform. These spaces facilitated coordination between indigenous leaders and indigenous organizations which publicly expressed their opposition to the proposed Constitutional Reform. The proposal was subsequently withdrawn by the President.
- ▶ The Court ruled in favour of eight indigenous women who had been detained for opposing the installation of electricity posts on their respective properties. OHCHR advised the indigenous women's organization, Tzununija, which defended the women.
- ▶ By the end of 2012, 18 of the 20 indigenous organizations which are supported by OHCHR through the Maya Programme had formally presented legal claims based on international human rights standards before competent



OHCHR staff on a monitoring mission to San Marcos, Guatemala.

administrative or judicial courts. Of these cases, seven have resulted in decisions which could lead to changes in the national protection system with regards to the right to participation of indigenous representatives in Departmental Development Councils and the recognition of indigenous forms of organization for land tenure. For example, one organization that is composed of representatives from eight indigenous communities obtained recognition by the Government of their right to collective ownership of lands. In another example, an organization initiated two legal actions on constitutional grounds against the General Electric Power Law, seeking transparency from the National Electrical Energy Commission, which defines the tariffs. The Constitutional Court admitted the challenges at the first instance for public audience, after which 30 additional communities adhered to the process.

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

- ▶ The Office supported the Presidential Secretariat for Women in the preparation and submission of a follow-up report to the Committee on the Elimination of Discrimination against Women in August 2012. The Office also engaged with authorities throughout the year to support the elaboration of the Government's report to the Universal Periodic Review (UPR).

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

- ▶ Further to OHCHR's provision of technical advice to civil society, more communications were sent to special procedures mandate-holders by civil society organizations or individuals, in particular to the Special Rapporteur on the situation

of human rights defenders and the Working Group on Arbitrary Detention. In addition, the Office provided support to civil society for the preparation of an alternative report to the Human Rights Committee and for the reports from civil society and the national human rights institution which were submitted to the UPR.

### Guatemala: Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	-	2,222,656
Consultants	-	135,321
Official travel	-	65,141
Contractual services	-	147,826
General operating expenses	-	344,442
Supplies & materials	-	122,730
Seminars, grants & contributions	-	100,133
Subtotal	-	3,138,249
Programme support costs		407,972
<b>GRAND TOTAL</b>	-	<b>3,546,221</b>

## Mexico

Year established	2002
Staff as of 31 December 2012	22
Expenditure in 2012	US\$ 2,771,838

## Results

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

- The General Law on Victims, which was approved by the Federal Congress in 2012 and promulgated on 9 January 2013, establishes a National System for the Attention to Victims and aims at protecting a number of rights of victims of violence and human rights violations, including access to truth, justice and reparation, as well as guarantees of non-repetition. OHCHR provided technical assistance during the legislative process by facilitating dialogue between congresspersons and victims and advocating for its approval during the final stages of the debates.
- The Law for the Protection of Human Rights Defenders and Journalists entered into force in June 2012 as a result of advocacy by civil society organizations and technical assistance provided

by OHCHR. The Law provides for the creation of a National Mechanism for the Protection of Human Rights Defenders and Journalists with human rights activists and journalists as permanent members. The Office was accorded the status of permanent guest with no vote.

- The Office in Mexico continued to promote and follow up on the implementation of indicators, based on OHCHR's methodology, which are developed to assist the State in evaluating the impact of public policies on the national human rights situation and to monitor its compliance with international human rights instruments and standards. In 2012, the Superior Tribunal of Justice of Mexico City continued to implement indicators on the right to fair trial which have also been proposed for adoption by all local Tribunals in Mexico. The elaboration of fair trial indicators has been formally approved and its implementation made compulsory at the Federal level by the Supreme Court of Justice of Mexico and the Federal Judicial Council. In parallel, the Prosecutor's Office of Mexico City established and formally adopted its own set of fair trial indicators at the stage of prosecution. Additionally, the Ministry of Interior adopted OHCHR's framework for measuring violence against women and published, jointly with OHCHR, a book entitled *How to Measure Violence against Women in Mexico? Volume I: Structural Indicators*, which introduces 111 indicators approved and validated to measure violence against women in Mexico.
- A constitutional amendment that will authorize federal authorities to investigate crimes against journalists entered into force in June 2012. The amendment endorses a specific recommendation made by the Special Rapporteurs on freedom of expression from the UN and the Organizations of American States (OAS) following their joint visit to Mexico in 2010. OHCHR, together with civil society organizations, academics and organizations of journalists, drafted a proposal for the legislation needed to implement the amendment.



Consultation with the Wurrárika indigenous population in Mexico, February 2012.





Inauguration of the International Conference on Constitutional Protection of Human Rights organized by the Mexican Supreme Court, November 2012.

- ▶ Throughout 2012, OHCHR conducted 36 field missions in 16 states to monitor 110 cases of alleged human rights violations. Approximately 120 interviews with victims of human rights violations, detainees, their families, advocates and witnesses were carried out. OHCHR presented all documented cases to the human rights ombudsperson and law enforcement authorities at the federal or local levels. The Office used these opportunities to familiarize prosecutors with international standards on human rights in general and the administration of justice in particular and to promote the compliance of the Government with its international obligations on human rights matters. These efforts allowed the Office to establish a relationship of trust with authorities which led to an improvement in official responses to cases raised by OHCHR in 2012. This improvement was measured by the increase of first-hand information provided to the Office, the ability to interview prosecutors regarding the lines of investigations and the possibility of following-up on prosecutions in all cases.
- ▶ OHCHR triggered the elaboration of assessments on the mainstreaming of international human rights standards in Baja California, Oaxaca, Morelos and the Coyoacan District in the City of Mexico. Progressive ownership of the human rights assessment process by relevant authorities is gradually resulting in the incorporation of international human rights standards in decision-making processes. Examples include the revision and development of public budgets with a human rights perspective in the case of the Federal District of Mexico and the creation of a human rights directorate within the administrative structure in

the Coyoacan District. Further to this process, spaces were opened for the participation of civil society in policy-making and implementation.

- ▶ Judicial authorities have increasingly incorporated international human rights standards in their rulings. For instance, the 2011 constitutional reforms on human rights and amparo and seminal rulings by the National Supreme Court of Justice have enhanced the application of international human rights standards by the judiciary. OHCHR played a key role in this development by preparing and submitting compilations of relevant international norms and standards to the National Supreme Court of Justice and other jurisdictions and by organizing forums, seminars and regional consultations on international standards with the judiciary. The Office also actively participated at the November International Conference on Constitutional Protection of Human Rights organized by the Supreme Court in Mexico City which was attended by representatives of the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court on Human and Peoples' Rights and the Courts and Constitutional Courts of over 20 countries from different continents.

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

- ▶ In order to support State efforts to implement human rights recommendations, OHCHR, the Ministry of Foreign Affairs and a private university jointly updated an online search tool which contains all recommendations issued in relation to Mexico by international and regional human rights mechanisms.



The precarious conditions in which human rights defenders (HRDs) work has been a priority concern of OHCHR-Mexico which has addressed this problem comprehensively for the past several years. Following the amplification of the Office's mandate in Mexico to include public reporting, in 2009, OHCHR-Mexico published a public report on the situation HRDs, which included analysis of particular cases and recommendations to the Mexican Government. The 2010 follow-up report demonstrated the severity of the situation and stressed the Government's binding duties to improve the environment in which HRDs carry out their activities. As a result, OHCHR-Mexico has been able to successfully place the issue

of the growing risks encountered by HRDs on the public agenda.

The culmination of these and subsequent efforts was the entering into force of the Law for the Protection of Journalists and Human Rights Defenders on 26 June 2012. The contents of the Law were the result of a process pushed through the Congress by civil society organizations with technical assistance from OHCHR.

The Law creates a Protection Mechanism for Human Rights Defenders and Journalists that provides protective measures to guarantee the life, integrity, security and freedom of HRD's and journalists. OHCHR-Mexico

participated in working meetings with authorities in order to elaborate the administrative regulation and operative protocols of the Protection Mechanism, as well as promoting the participation of civil society in this process. At the end of November, the administrative regulation of the Law was published in the Official Gazette. This regulation describes the operation of the Mechanism and contains the description of the attributions of the various component bodies. OHCHR-Mexico contributed extensively with technical advice in the elaboration of these documents and promoted their approval.

- In the case of a ruling of the Inter-American Court on Human Right focused on military jurisdiction, the Supreme Court of Mexico, with technical support from OHCHR, resumed its original competence to resolve conflicts that have arisen between the military and the ordinary jurisdiction. Among the main legal elements adopted by the Supreme Court was the recognition that none of the crimes in which the active or passive subject is a civilian may be brought before a military court.

## Regional Offices

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

Year established	2007
Staff as of 31 December 2012	8
Expenditure in 2012	US\$ 959,178

### Mexico: Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	-	1,885,472
Consultants	-	126,660
Official travel	-	139,108
Contractual services	-	68,564
General operating expenses	-	154,109
Supplies & materials	-	40,318
Seminars, grants & contributions	-	38,723
Subtotal	-	2,452,954
Programme support costs		318,884
<b>GRAND TOTAL</b>	-	<b>2,771,838</b>

## Results

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

- Staff of the national human rights institution (NHRI) in Panama increased its awareness on the human rights situation of indigenous and Afro-descendant populations. OHCHR facilitated a dialogue between the NHRI and indigenous and Afro-descendant populations, which led to an enhanced credibility of the NHRI and is expected to contribute to the improvement of its monitoring capacities. In addition, following efforts of the Regional Office, the National Commission against Discrimination was reactivated and its strategic plan and internal rules of procedure were developed.
- A training of trainers on human rights for 21 judges was designed and carried out by OHCHR in collaboration with the National



Participants at an OHCHR workshop for indigenous women in Panama.

Judicial Academy of the Dominican Republic. All participants successfully completed the training and will in turn provide training for other judges and prosecutors. The training will be institutionalized in the National Judicial Academy's curricula and in 2013, OHCHR will work with the National Judicial Academy to elaborate a detailed proposal in this regard.

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

- ▶ In El Salvador, the Regional Office's Protocol on femicide<sup>1</sup> investigation was adopted by the Public Prosecutor's Office and is being used to train prosecutors throughout the country.

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

- ▶ In Panama, the National Permanent Commission, an inter-institutional body created to follow up on recommendations formulated by human rights mechanisms, received additional support from the Regional Office, which trained members of the Commission and shared lessons learned in other countries. The Regional Office participated in three of the Commission's meetings, including its working-level meeting on 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) and published a compilation of all recommendations issued in relation to Panama by the international human rights mechanisms to facilitate effective follow-up. In Costa

Rica, members of an inter-institutional commission, which was established with support from OHCHR, were also trained on international human rights mechanisms, racial discrimination and ICERD. The Regional Office prepared a draft compilation of recommendations issued in relation to Costa Rica by the international human rights mechanisms which is currently under review by the Costa Rican Ministry of Foreign Affairs.

- ▶ Further to a recommendation of the Universal Periodic Review (UPR), a draft National Action Plan against Racial Discrimination is being developed in Costa Rica through a participatory process involving civil society organizations and representatives of African-descent and indigenous peoples. OHCHR advocated for the participation of rights-holders in the process and is providing technical advice to the inter-institutional commission in charge of the elaboration of the plan.
- ▶ In Costa Rica, OHCHR contributed to the increased awareness of indigenous peoples' organizations on the recommendations concerning the Diquis hydroelectric project formulated by the Special Rapporteur on the rights of indigenous peoples. A road map for the implementation of these recommendations was established through a participatory process between the Government, indigenous peoples and UN agencies and was facilitated by the Regional Office.

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

- ▶ Indigenous peoples and Afro-descendant organizations in Belize, Costa Rica, Nicaragua and Panama increased their knowledge on the

<sup>1</sup> Femicide refers to an extreme form of gender-based violence; the intentional killing of women for being women.

use of international human rights mechanisms following technical advice they received from the Regional Office. As a result, indigenous peoples' organizations and an Afro-descendant coalition in Belize presented a shadow report to CERD. In addition, OHCHR brought together Afro-descendant and indigenous peoples organizations for the drafting of a report to the Human Rights Committee and to the second cycle of Belize's UPR. This was the first time these organizations collaborated to advocate for their rights. In Panama, with guidance from the Regional Office, the National Coordinator of Indigenous Women of Panama prepared a report on their human rights concerns for the Special Rapporteur on the rights of indigenous peoples. In Nicaragua, the Regional Office trained 38 indigenous women from 18 diverse ethnic groups on the use of international mechanisms. This training included an open discussion with members of the judiciary aimed at improving access to justice for indigenous women. In the Dominican Republic, the Regional Office provided technical assistance to non-governmental organizations on the presentation of shadow reports to CERD, HRC and CEDAW.

### Responsiveness of the international community (EA 10)

- ▶ As a result of the Regional Office's engagement with the Central American Integration System (SICA), human rights elements were included in the final declaration of SICA's XXXIX Meeting of Heads of States and Governments. Additionally, the Plan of Action adopted during the meeting explicitly instructed SICA's General Secretariat to coordinate with OHCHR to develop joint initiatives aimed at strengthening the integration of a human rights dimension into the regional security strategy.

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

- ▶ The annual meeting between the Regional Interagency Group on Indigenous Peoples and the Regional Consultative Mechanism of Indigenous Peoples concluded with a series of recommendations on how UN agencies should address two major issues of concern for indigenous peoples, namely climate change and the right to consultation. The Regional Office supported the participation of three indigenous peoples' representatives from the region (members of the Regional Interagency Group), who provided their views and guidance to UN agencies on these issues.
- ▶ The Assessment on the situation of indigenous peoples human rights in Central America,

In February 2012, massive protests against a proposed law regulating mining and hydroelectric development in indigenous lands took place in Panama (Comarcas). Violent clashes between indigenous Ngabe Bugle and police forces practically paralyzed the country for several days. Subsequently, the OHCHR Regional Office and the UN Resident Coordinator were asked to facilitate the negotiation process.

OHCHR's direct involvement in the negotiations between the Government and the indigenous Ngabe Bugle representatives was crucial to the establishment of an environment of mutual trust between the different actors and facilitated a constructive discussion. In particular, the Office was asked by the Resident Coordinator to facilitate the negotiation on how to draft the conflictive article of the proposed law regulating mining and hydroelectric development in indigenous Ngabe Bugle lands. After several days of negotiations, an agreement was reached on 15 March and the resulting text was approved by the Parliament.

elaborated by the Regional Office, was launched during the 10th session of the Permanent Forum for Indigenous Issues in New York. The Regional Office supported the participation in the Permanent Forum of one indigenous member of OHCHR's Regional Consultative Mechanism, who presented the report and provided her views on the situation of indigenous peoples in the region.

### Regional Office for Central America (Panama City, Panama): Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	589,565	111,981
Consultants	7,834	12,776
Official travel	40,711	23,245
Contractual services	2,793	300
General operating expenses	65,204	20,400
Supplies & materials	8,633	-
Seminars, grants & contributions	26,181	24,446
Subtotal	740,921	193,148
Programme support costs	-	25,109
<b>GRAND TOTAL</b>	<b>740,921</b>	<b>218,257</b>



## Regional Office for South America (Santiago, Chile)

Year established	2009
Staff as of 31 December 2012	5
Expenditure in 2012	US\$ 1,553,265

### Results

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

- ▶ Following advocacy efforts undertaken by the Regional Office, the Judicial Academy in Chile included an OHCHR training module in its curricula on the use of international human rights treaties by national courts. Further to this, the Regional Office conducted two training sessions in 2012 on international human rights treaties and standards for future judges. The trainings were highly rated by the Judicial Academy which decided to continue collaborating with the Office.
- ▶ In Argentina, the law creating a National Preventive Mechanism was passed on 28 November. Throughout 2012, the Regional Office promoted the establishment of National Preventive Mechanisms in the context of the Southern Common Market (MERCOSUR) by, for instance, preparing a publication in collaboration with MERCOSUR's Institute on Public Policies in Human Rights and by holding meetings with regional officials to promote their establishment.
- ▶ In June 2012, the Uruguayan national human rights institutions became operational and five members of its executive council were designated. OHCHR advocated for the establishment of the institution, including through a number of meetings with Government officials and parliamentarians.
- ▶ In Peru, the Regional Office provided support for the establishment of the Vice-Ministry of Human Rights and Access to Justice within the Ministry of Justice, including by providing technical advice on the law establishing the new Vice-Ministry and its related regulation and sharing a compilation of normative, structural and operational frameworks of other governmental human rights institutions in the region. The law creating the Vice-Ministry was adopted in December 2011 and the new Vice-Minister was appointed on February 2012.
- ▶ On 8 August 2012, the Government of Chile presented a draft decree on the regulation of consultation processes with indigenous peoples which called on indigenous communities of the country to present their observations and comments by the end of 2012. The draft decree contained several provisions that failed to comply with international human rights standards and



The OHCHR Regional Representative for South America delivers a speech at the inauguration of the National Truth Commission in Brazil, May 2012. The event was attended by the current and former Presidents of Brazil and other authorities of the country.

increased the distrust of indigenous communities towards State authorities. Consequently, the Regional Office prepared a detailed analysis of the draft decree and shared it with the Government, other UN agencies working on indigenous peoples' rights and the Special Rapporteur on the rights of indigenous peoples. The Special Rapporteur used this analysis to prepare an official and public report on the draft decree which was shared with the Government and presented by video conference during a meeting attended by approximately 250 indigenous leaders on 30 November. As a result of this strategy undertaken by the Regional Office, indigenous leaders and the Government benefited from the advice of the Special Rapporteur and discussions on the decree resumed.

- ▶ In Chile, the Regional Office provided technical advice on the draft law on public order, highlighting several provisions that were contrary to human rights standards. Additionally, several special procedures mandate-holders (on freedom of expression, freedom of association, and human rights defenders) sent a joint communication to the Government of Chile on the draft law. The Government responded that several amendments would be introduced in line with comments received from the Regional Office and the special procedures. The current draft differs widely from the original draft and is currently being considered by Congress.

#### Ratification (EA 2)

- ▶ Peru ratified the International Convention for the Protection of All Persons from Enforced Disappearance. The Regional Office raised the awareness of actors in Peru on the importance of ratifying this treaty by conducting training sessions and meetings with representatives of the Ministry of Foreign Affairs, Ministry of Justice and Human Rights, parliamentarians, the national human rights institution and civil society organizations.

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

- ▶ The Governments of Brazil, Argentina and Peru submitted their national reports for the second cycle of the Universal Periodic Review (UPR) based on the new general guidelines adopted by the Human Rights Council. Prior to these submissions, the Regional Office conducted a training session for Government representatives in Argentina and Peru on the second cycle of the UPR and also advised the Brazilian Government in this regard.

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

- ▶ During 2012, the Regional Office promoted the engagement with human rights mechanisms through several workshops carried out in Chile, including for indigenous leaders in Temuco (April 2012), Antofagasta (November 2012) and Santiago (May and November 2012) and for the Ombudsman's Office in Tucuman, Argentina (July 2012). During the year, the Special Rapporteur on the rights of indigenous peoples received several communications from various participants of those trainings.
- ▶ Reports prepared by civil society actors in Argentina and Peru, who benefited from the Office's technical advice and cooperation, were submitted to the Committee Against Torture and communications were sent to the Human Rights Committee, the Special Rapporteurs on the independence of the judiciary, human rights defenders and freedom of expression and the Working Group on Arbitrary Detention.
- ▶ The Regional Office conducted training sessions on the UPR reporting procedure for civil society organizations in Argentina and Peru and, consequently, 20 Argentinian and 17 Peruvian civil society organizations sent individual or joint submissions in anticipation of the UPR second cycle for their respective countries. The Office also supported the national human rights institutions in Argentina and Peru which sent information for the UPR process.

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

- ▶ In December 2012, the Government approved the Brazilian United Nations Development Assistance Framework (UNDAF) 2012-2015. A human rights-based approach was partially applied for the development of the document, primarily in relation to citizen security policies and other public policies particularly affecting vulnerable groups. The Regional Office provided technical assistance to the UN Country Team (UNCT) since 2010 by, for instance, conducting trainings on human rights instruments and a human rights-based approach

Video is a very effective way to illustrate stories. The Regional Office in South America produced two videos for the colloquium organized in connection with Human Rights Day 2012. The colloquium, entitled *My voice counts: public and political participation of women in Chile*, addressed the issue of the inclusion of women in public and political life. The two videos were presented before participants to contextualize the discussion.

#### Video 1 – Women and participation in politics

The video provides figures of women participation in politics and introduces the recent concluding observations of CEDAW Committee on the issue. It also features the opinion of women who participate in politics in different areas (such as State institutions, civil society and social movements) who highlight the importance of the participation of all women in public life. The video is available at the following link: <http://youtu.be/1Rnwbtkudo4>

#### Video 2 – Voices echoing: opening new spaces for women

This video introduces the discussion on the participation of women in other areas of social life such as labour, culture, family, education, and particularly in traditionally male-dominated areas. It also includes masculine perspectives on the issue and the role played by men in the eradication of gender discrimination in society. The video is available at: <http://youtu.be/1Rnwbtkudo4>

for UNCT staff and providing technical advice on incorporating this approach into the UNDAF.

### Regional Office for South America (Santiago, Chile): Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	709,152	299,736
Consultants	-	142,410
Official travel	9,700	140,835
Contractual services	-	6,700
General operating expenses	115,800	22,131
Supplies & materials	2,400	5,450
Seminars, grants & contributions	14,300	3,900
Subtotal	851,352	621,162
Programme support costs	-	80,751
<b>GRAND TOTAL</b>	<b>851,352</b>	<b>701,913</b>

## Human Rights Component in UN Peace Mission

### United Nations Stabilization Mission in Haiti

Year established	2004
Staff as of 31 December 2012	58

### Results

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

► The Organic Law on the *Office de la Protection du Citoyen* (OPC), Haiti's national human rights institution, was adopted on 17 July 2012. The Human Rights Section (HRS) of the United Nations Stabilization Mission in Haiti (MINUSTAH) contributed to this result through the provision of technical advice at the drafting stage to ensure the Bill's compliance with the Paris Principles and advocated for its adoption by Parliament. The adoption of the Law resulted in a significant, though still insufficient, increase of budgetary resources for the OPC. OHCHR also contributed to the increased capacity of the

OPC by participating in joint monthly visits of detention facilities; participating in the *comités de la détention provisoire prolongée* (committees on prolonged pre-trial detention); and providing financial as well as logistic support to the OPC's regional presences. By the end of 2012, close to 300 persons illegally or arbitrarily deprived of their liberty had been released as a result of the work of the *comités de la détention provisoire prolongée*.

- The Magistrate School, with support from the HRS, included a module on international human rights in its regular training. In addition, the HRS organized a public debate between selected Haitian judges and a judge and senior staff lawyer from the Inter-American Court of Human Rights on the applicability of international human rights law in the domestic system. The proceedings of the debate have been published and 100 copies will be distributed among judges and prosecutors. The publication will serve as a reference and advocacy tool for enhanced use of international human rights standards in national courts.
- The Police Academy adopted a human rights curriculum which has been integrated into the global training programme for new police officers. The HRS facilitated training-of-trainers sessions to support the Academy in implementing this curriculum. In addition, the Police Academy adopted an action plan in relation to the new



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A girl waits in line for food aid being distributed by the Haitian government in the aftermath of Tropical Storm Isaac.



curriculum which includes initiatives such as the reinforcement of initial training. This demonstrates the Academy's institutional commitment to teaching international human rights standards through initial and continuous training of members of the police force.

- ▶ The capacity of relevant State entities to integrate human rights and protection measures into return and relocation programmes for internally displaced persons was strengthened through continuous advocacy by OHCHR, including through the elaboration of an advocacy note. The note provided specific recommendations and outlined vulnerability criteria for the selection of camps for return and relocation programmes and was developed in consultation with the Camp Coordination and Camp Management/Emergency-Shelter, Education and Protection Clusters and the Child Protection Sub-Cluster. The vulnerability criteria have been used by the Government of Haiti and the International Organization for Migration (IOM) in the prioritization of camps. Furthermore, protection principles have been integrated in the Government's 16/6 programme, implemented jointly with IOM, which aims to provide durable return solutions to people living in camps.

#### **Ratification (EA 2)**

- ▶ The Haitian Parliament adopted the Law for the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 31 January 2012. The HRS contributed to this achievement through advocacy activities targeting Parliament Committees, civil society and the Ministry of Foreign Affairs. The ICESCR entry into force is subject to the promulgation of the Law by the President of Haiti and the deposit of the instrument of ratification with the Secretary-General.

#### **Participation (EA 5)**

- ▶ Civil society participation in decision-making processes increased at the national and local levels. OHCHR contributed to this through the delivery of training sessions on public policies and budget monitoring with human rights-based tools. The sessions were attended by duty-bearers and rights-holders, including women from grassroots organizations, in Port-au-Prince, Gonaïves, Hinche, Jeremie and les Cayes.

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

- ▶ In 2012, Haiti implemented a significantly increased number of recommendations issued by UN mechanisms. Several recommendations

of special procedures, treaty bodies and the Universal Periodic Review were implemented in the area of rule of law (appointments of the High Judicial Council, the Chairperson of the Cassation Court and the six Inspectors General of the National Police); social policies (approval of legislation on responsible paternity and on disability); and ratification of treaties (ICESCR). This progress was achieved with essential support provided to the relevant national institutions by HRS, in particular the Inter-Institutional Committee on Human Rights and the Ministry of Human Rights and Fight against Extreme Poverty.

- ▶ All visit requests sent by special procedures mandate-holders resulted in official missions to Haiti. The Independent Expert on the situation of human rights in Haiti sent two requests which were accepted. His missions were conducted from 31 January to 8 February and from 25 November to 1 December, with substantive and logistical support provided by the HRS.
- ▶ On 30 November, Haiti submitted its first report under the International Covenant on Civil and Political Rights, a treaty it had ratified in 1991. This resulted from consistent advocacy and support provided by the HRS and the Inter-Institutional Committee on Human Rights.

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

- ▶ As a result of substantive support provided by the HRS, the four pillars of the UN Integrated Strategic Framework 2013-2016 for Haiti include human rights concepts. Its indicators were developed taking into account the UPR recommendations.
- ▶ The HRS contributed to a MINUSTAH paper on pre-trial detention, ensuring that the rights of the detainees to a full defence and a fair trial are fully reflected and integrated in the Mission's approach to this issue. Likewise, the HRS developed a strategy on sexual and gender-based violence, in collaboration with MINUSTAH's Justice, Gender and Child Protection Sections and the UN Police, ensuring that human rights standards and principles are integrated into the Mission's approach to the issue.
- ▶ The Protection Cluster, led by the HRS, organized workshops for and held regular meetings with members of the Water, Sanitation and Hygiene; Health; and Camp Coordination and Camp Management/Emergency-Shelter Clusters regarding the integration of protection and human rights standards and principles into their programming and activities. This contributed to ensuring the humanitarian community is more cohesive in upholding human rights standards in its advocacy efforts and operations.

## Human Rights Advisers in UN Country Teams

### Ecuador

Year established	2007
Staff as of 31 December 2012	3

### Results

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

- Approximately 120 public planning officials increased their knowledge on methodologies for the formulation of public policies from a human rights perspective as a result of specialized training facilitated by OHCHR. A new version of the Guidelines to formulate sector specific public policies developed with the support of the Office, to be released in 2013, will constitute a tool for human rights mainstreaming in development planning and therefore strengthen the capacities of the National Secretariat for Development and Planning (SENPLADES).
- A training module on human rights was institutionalized in the National Institute of Higher Education (IAEN) and is now part of the regular courses offered to all public officials of the Government. The module, which was jointly developed by OHCHR, the Ministry of Justice, Human Rights and Cults and IAEN, makes use of non-formal methodologies in order to sensitize State actors on human rights issues and obligations.

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

- Indigenous justice authorities and civil society actors improved their knowledge and understanding about an intercultural approach to human rights and legal pluralism in line with ILO Convention No. 169 and key recommendations made by the Special Rapporteur on indigenous peoples. OHCHR contributed to this result by facilitating a number of activities, including a workshop and seminar on coordination and cooperation between indigenous and ordinary justice systems which were attended by representatives of the Government, indigenous communities, judges, prosecutors and civil society.

- OHCHR promoted the implementation of Universal Periodic Review recommendations by contributing to their systematization and widespread dissemination through the development of a database which can be easily accessed from the webpage of the Ministry of Justice, Human Rights and Cults.

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

- By conducting training activities, OHCHR contributed to the increased knowledge of civil society organizations on how to interact with international human rights mechanisms. Consequently, a number of these organizations prepared their first alternative reports to the human rights monitoring bodies. Four non-governmental organizations submitted reports to the Committee on the Elimination of Racial Discrimination and three non-governmental organizations submitted

For the last four years, OHCHR has been supporting the National Secretariat for Development and Planning (SENPLADES) to integrate a human rights-based approach in national development planning processes and tools. This has been a mutual learning process in which human rights, development and planning have reinforced each other in order to promote the full realization of human rights through public policies.

The year 2012 was crucial in positioning the human rights approach as the methodology needed to close existing gaps in the enjoyment of rights by providing knowledge, skills and tools to public planning officials. Methodologies and tools developed in previous years are being reviewed according to feedback provided by public officials after their practical application.

In early 2013, an initial group of multipliers within the Government has been consolidated, trained and ready to provide advice on how to integrate a human rights-based approach in public policies. Another important development includes the elaboration process of a national atlas of inequalities, supported by 11 UN agencies led by the HRA, that will provide disaggregated information (by gender, age, ethnicity, location, etc.) needed to target public policies and as the base-line for the next National Development Plan.

alternative reports to the Committee on Economic Social and Cultural Rights.

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

- In coordination with the Resident Coordinator's Office and ILO, OHCHR organized a workshop for UN agencies which led to the increased knowledge and understanding of the right to prior consultation of indigenous peoples by relevant UNCT members. This led to the reactivation of the Inter-Agency Group on multiculturalism, which is currently elaborating a cooperation proposal to support the Confederation of Indigenous Peoples of Ecuador on the right to prior and informed consent.

## Honduras

Year established	2010
Staff as of 31 December 2012	-

### Results

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

- The Ministry for Justice and Human Rights drafted a Human Rights National Action Plan in consultation with stakeholders, including civil society organizations. The guidance of the Human Rights Adviser, supported by three consultants, contributed to the Ministry's work to develop a comprehensive State policy on human rights. The draft Plan will be presented to the Government in 2013 for its adoption.

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

- A total of 39 judges and 21 public defenders increased their knowledge on international human rights standards in the administration of justice following training sessions organized by OHCHR, with the participation of international experts from Europe and Latin America. The Public Prosecutor's Office received technical assistance on strengthening the investigation capabilities of the Special Prosecutor for Human Rights (FEDH) and the Special Prosecutor for Indigenous Peoples (FEEPC). In addition, a proposal for a more efficient structure of the FEDH was presented to the Attorney General and the FEEPC received assistance in systematizing its cases.
- The Human Rights Adviser conducted a comprehensive assessment of the Honduran

prison system and made recommendations to the Government for improvement of the system.

### Participation (EA 5)

- Rights-holders actively participated in the elaboration of the First National Policy on Human Rights: Human Rights Action Plan, which is expected to be approved in 2013. With the assistance of OHCHR, a group of consultants analysed recommendations issued in relation to Honduras from international human rights bodies to ensure their inclusion in the Plan. OHCHR also trained 15 civil society organizations representing vulnerable groups, such as indigenous peoples, Afro-descendants, women and lesbian, gay, bisexual and transgender persons, on strategic litigation in order to improve their knowledge of national, regional and international human rights protection systems and support their participation in the drafting of the Human Rights Action Plan.

## Paraguay

Year established	2010
Staff as of 31 December 2012	3

### Results

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

- A National Human Rights Action Plan was elaborated with the active involvement of departments from the three branches of the Government, civil society organizations and academia. The Human Rights Adviser (HRA) accompanied the process and ensured that recommendations from international human rights mechanisms were included in the Plan.
- The National Plan on Human Rights Education was adopted in 2012 and its implementation is underway. Civil society organizations participated in the development of the Plan, which was coordinated by the Ministry of Education and Culture with the support of the HRA. Furthermore, the Ministry formally requested the HRA's continued cooperation during the implementation of the Plan, including for the design of indicators on the right to education.
- Following HRA's advocacy and advice, the definition of torture was amended in the penal code to bring it in line with international human rights standards.



- ▶ A Commission for the selection of members of the National Torture Prevention Mechanism was established and all members were selected by December 2012, in compliance with national legislation and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission was composed of a wide range of stakeholders, including representatives of the Government and civil society. The latter were supported by the HRA to ensure their participation.
- ▶ A total of 71 indicators on the right to health were designed by the Executive Human Rights Network, the Ministry of Health and the Department of Statistics, Census and Surveys, with guidance from OHCHR and other UN agencies and were presented in December 2012. Once implemented, the indicators will provide details on the effectiveness of public policies related to the right to health as they will disaggregate data according to age, sex, ethnic group, location, disability and people affected by and living with HIV. The indicators will provide NGOs and civil society with a valuable tool to monitor the impact of public policies on the most vulnerable groups.
- ▶ Human rights indicators on the right to fair trial were developed, with the participation of more than 100 judges and court officials and the UN Country Team, and were adopted by the Supreme Court of Justice on December 2012. OHCHR closely followed the process and provided guidance and technical advice.

#### Participation (EA 5)

- ▶ The December 2012 publication of the annual report of CODEHUPY, a network of Paraguayan human rights NGOs, provides information on the evolution of the human rights situation in Paraguay. The HRA contributed to the increased capacity of NGOs to monitor human rights by,

for instance, sharing the OHCHR methodology on human rights indicators, which was taken into account by NGOs in their own monitoring and reporting processes.

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

- ▶ Following a request by the Ministry of Foreign Affairs for technical cooperation to facilitate the follow-up to recommendations of international human rights mechanisms, the HRA updated the contents of the search portal on international human rights recommendations (created in 2011) issued in relation to Paraguay.

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

- ▶ The HRA contributed to the increased capacity of NGOs to engage with international human rights mechanisms by conducting a workshop, in coordination with CODEHUPY, on the protection of human rights in Paraguay and by developing and disseminating the Guidelines for reporting to the UN mechanisms for protection. As a consequence of these activities, NGOs began engaging with the special procedures and more than eight communications were sent to six special procedures asking for urgent actions and calling on the Government to fulfil its international human rights obligations.

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

- ▶ The HRA and the UN Inter-Agency Working Group on HIV/AIDS were involved in the drafting of the first report on the human rights situation of lesbian, gay, bisexual and transgender persons in Paraguay, especially in relation to discrimination and the rights to identity, health, education, work and integrity. The report is expected to be launched in 2013.



The Human Rights Adviser speaks at the launch of the indicators on the right to fair trial, December 2012. The event was attended by the President of Paraguay and other authorities of the country.

Celso Franco, an actor from Paraguay, has helped raise awareness for human rights in his country through his roles and his collaboration with OHCHR. He became popular following his role in *7 Cajas* (7 boxes), a film which exposes the daily lives of desperate, yet ordinary people in Asunción's infamous Central Market. Throughout his young adult, real, life, Celso has been a staunch supporter of child, youth and environmental protection causes.

When approached by the Human Rights Adviser in Paraguay about forming part of a human rights campaign, he replied yes without hesitation. "Celso instinctively embraced the cause because he deeply believes in it", commented the Human Rights Adviser. *You're a person, you have rights*, the slogan of the campaign, was



the perfect motto for Celso to champion human rights culture in his homeland.

Since then, Celso has become a figurehead for human rights in Paraguay. His warm personality and charisma have made human rights messages accessible to all. Celso is now preparing his performance in a play, *Cementerio de Vivos* (The living Cemetery) which is a timely portrayal of the degrading conditions in Paraguayan prisons and the lack of justice for poor people, and shows that people deprived of their liberty have also rights.

Celso's example shows that it is not necessary to be a doctor or a lawyer to promote human rights. Anybody can be a human rights defender, and raise awareness that all human beings are born free and equal in dignity and rights.