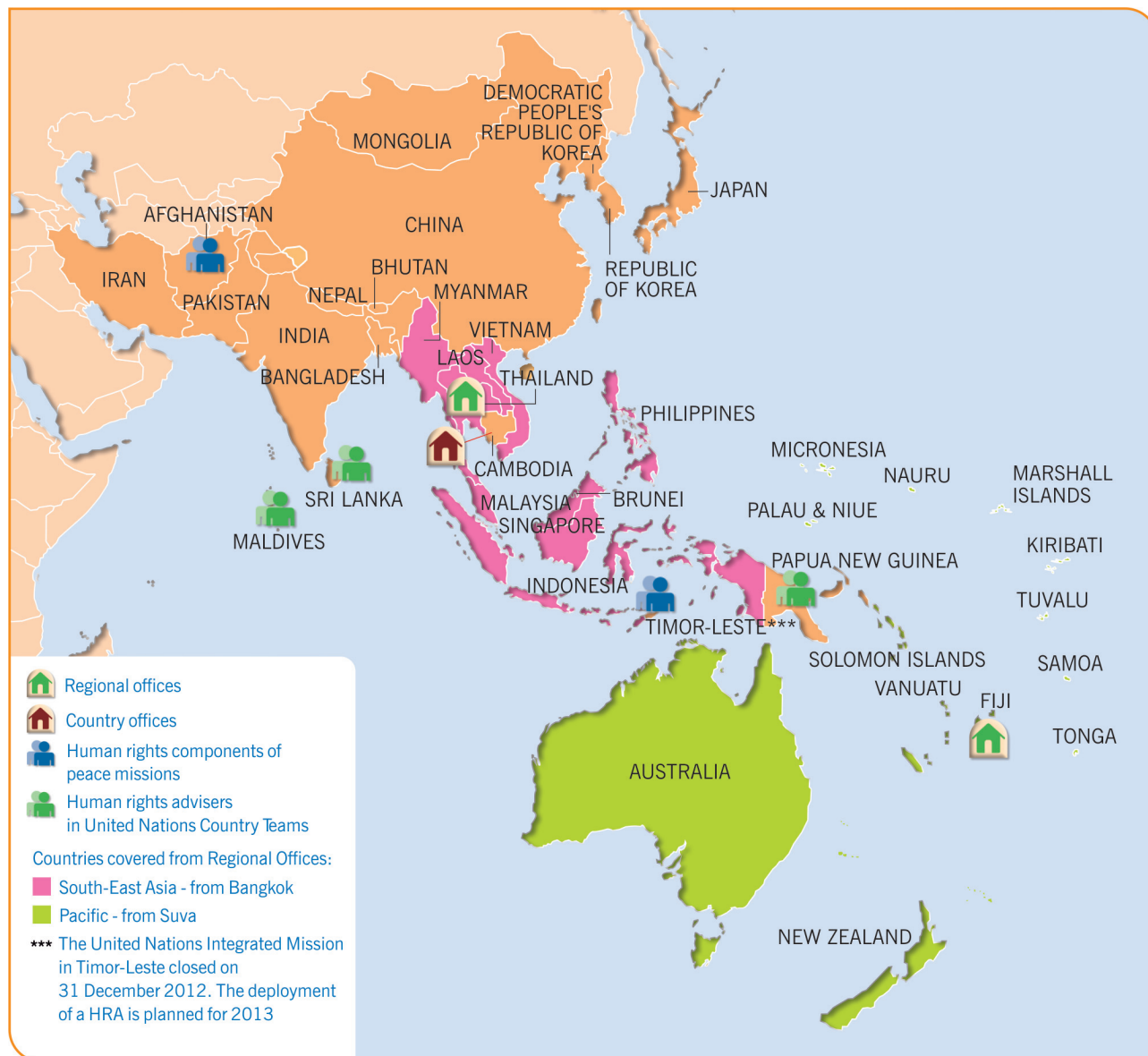


OHCHR in the field: Asia and the Pacific



Type of presence	Location
Country office	<ul style="list-style-type: none"> Cambodia
Regional offices	<ul style="list-style-type: none"> South-East Asia (Bangkok, Thailand) Pacific (Suva, Fiji)
Human rights components in UN Peace Missions	<ul style="list-style-type: none"> Afghanistan Timor-Leste***
Human rights advisers in UN Country Teams	<ul style="list-style-type: none"> Maldives Papua New Guinea Sri Lanka

*** Closed in 2012

This was a year of significant transition for OHCHR's field presences in the region. The country office in Nepal was wound up by June after seven years of contribution to the peace process in the country. The UN Mission in Timor-Leste, with its Human Rights and Transitional Justice Section, was also phased out on 31 December, having assisted in consolidating human rights protection and the rule of law for over a decade. OHCHR redeployed a Human Rights Adviser (HRA) to the Maldives (following a previous deployment in 2007-2008) and prepared to position a HRA in

Timor-Leste. Plans were also laid to strengthen OHCHR's Regional Office in Bangkok in 2013. With support from the UPR Trust Fund, a UN volunteer was deployed to Vanuatu to assist in UPR follow-up and a similar deployment to the Marshall Islands is forthcoming.

The High Commissioner visited Pakistan in June and Indonesia in November 2012. The Deputy High Commissioner visited Mongolia in June 2012. OHCHR also provided support to the Secretary-General's visit to Iran for the Non-Aligned Movement Summit in September, during which he engaged extensively on human rights issues. OHCHR continued to support four Human Rights Council country mandates on Cambodia, Democratic Peoples' Republic of Korea, Iran and Myanmar.

Rapid democratic reforms taking place in Myanmar presented important new opportunities for OHCHR engagement. The Regional Office in Bangkok conducted regular missions and provided initial technical assistance to the Myanmar Human Rights Commission and Prisons Department. During a more comprehensive assessment mission in June, expanded areas of cooperation were discussed and in November, the Government of Myanmar announced that it would invite OHCHR to establish a country office. Discussions on a host country agreement are underway.

OHCHR also played a leading role in responding to the political crisis in the Maldives that led to a transfer of power in February 2012. OHCHR joined the Department of Political Affairs in two good offices and assessment missions in February and December. A proposed high level judicial mission and national roundtable on justice sector reform unfortunately proved unfeasible.

Impunity issues remained a major focus of work in the region. The High Commissioner continued her strong advocacy for accountability and reconciliation in Sri Lanka, following up on the Secretary-General's Panel of Experts and the Government's Lessons Learned and Reconciliation Commission. Following a resolution of the Human Rights Council in March 2012, OHCHR conducted a technical mission in September to assess progress and explore possible areas of technical assistance ahead of a possible visit by the High Commissioner in 2013. In October, OHCHR released the major Nepal

Conflict Report and database analysing more than 30,000 documents on conflict-related violations as a contribution to the transitional justice debate in Nepal. OHCHR led the advocacy efforts of national and international stakeholders in Nepal for the establishment of transitional justice mechanisms but opposed provisions that would grant amnesty for serious international crimes. During 2012, OHCHR also welcomed the final report of the Truth and Reconciliation Commission in Thailand and followed the ongoing trials before the International Crimes Tribunal in Bangladesh.

OHCHR continued its work on discrimination issues in the region. Further capacity-building activities were held for specialized women's commissions and women's rights networks in the region. Building on its work in Nepal, OHCHR also continued to promote best practices for combating caste-based discrimination for UN Country Teams and national partners in the region. A regional consultation was also held in Bangkok on the rights of minorities and indigenous people in September 2012. Discrimination and violence against women and religious minorities were a major focus of the High Commissioner's visits to Indonesia and Pakistan.

At the regional level, OHCHR continued to engage with the Association of Southeast Asian Nations (ASEAN) in the development of the region's first human rights mechanisms. The elaboration of an ASEAN Human Rights Declaration by the ASEAN Intergovernmental Commission on Human Rights was a major focus for the High Commissioner's interventions. The final Declaration adopted by ASEAN leaders in November contained important human rights commitments, yet it also included provisions which fall short of international standards. OHCHR partnered with UNDP in organizing two regional consultations for parliamentarians and civil society in Manila and Dhaka in November and December, respectively, in relation to defining the post-2015 development agenda.

By the end of 2012, OHCHR had eight field presences in Asia and the Pacific, including: one country office (Cambodia), two regional offices (Bangkok and Suva), two human rights components in peace missions (Afghanistan and Timor-Leste) and three Human Rights Advisers (Maldives, Papua New Guinea and Sri Lanka).

On 8 October 2012, OHCHR released the Nepal Conflict Report, a landmark report documenting and analysing serious violations of international law that occurred during the 10-year conflict in Nepal (1996-2006), along with a database of approximately 30,000 documents, designed to provide a tool for Nepalese institutions and civil society to continue the process of seeking truth and justice for the violations committed. The report consolidates and analyses information on conflict violations gathered by OHCHR-Nepal, the Nepal National Human Rights Commission and several civil society organizations.

The release of the Report has reignited debate and discussion within the community on transitional justice issues at a time when political leaders have proposed amnesties for gross violations of international law committed during the conflict, contrary to their international obligations. Over the next year, OHCHR will work with national partners to disseminate the report at the local level and develop national-level strategies towards prosecution. The report also provides a framework for future engagement by UN agencies on transitional justice issues.

- ▶ OHCHR supported the monitoring of trials in two provincial courts which led to an improvement in fair trial rights. The number of pending criminal appeals has decreased and there are no longer prisoners with an appeal that has been pending for 10 or more years. OHCHR encouraged this result by working with the General Department of Prison (GDP) and the Appeal Court to review the status of pending cases, hosting the first national workshop for judges, prosecutors and prison officials working within the Appeal Court in September and providing assistance through legal aid NGOs. Consequently, several provincial prisons are systematically receiving court judgements, the GDP and the Appeal Court have agreed to streamline the transmission of appeal decisions to prisons and the excessive detention of individuals awaiting appeal decisions has decreased.
- ▶ In September, the Bar Association of the Kingdom of Cambodia adopted a revised Code of Professional Conduct for lawyers that is more compliant with international human rights. OHCHR in Cambodia supported this by organizing a series of consultations with lawyers to finalize the revised Code and providing expert technical advice.

Country Office

Cambodia

Year established	1993
Staff as of 31 December 2012	33
Expenditure in 2012	US\$ 2,563,787

Results

National laws, policies and institutions (EA 1)

- ▶ The judiciary is more aware of the rights of defendants. OHCHR contributed to this result by co-organizing a national conference on the Criminal Procedure Code with the Justice Ministry. The participants adopted several recommendations which were endorsed by the Minister and published in a report. In addition, several courts have abandoned the practice of box-ticking and have begun writing decisions on pre-trial detention.



Human rights demonstration in Cambodia.

- ▶ Following briefings by the Office and an inter-ministerial consultation on prison labour that was jointly organized by OHCHR, ILO, and relevant Ministries in March, three Ministries issued an Inter-ministerial Directive prohibiting prison production of goods for export. In the past, such production has raised concerns among Cambodia's trade partners which have prohibited the import of products that are partly or wholly manufactured in prison.
- ▶ Prison authorities have increased their capacity to protect the rights of prisoners, including by partnering with external organizations. OHCHR contributed to this by promoting and facilitating dedicated rooms for prisoners in referral hospitals and by supporting partners providing medical and other services to women and children in prison. OHCHR continued lending support to prison authorities in improving conditions. Concrete improvements made in nine prisons, in partnership with authorities, positively impacted on the lives of over 6,500 prisoners, in particular with regard to safe water and sanitation, improved ventilation and access to the outdoors. Prisons in Cambodia are better prepared to face disasters following active support from OHCHR and partners. This included a national workshop on disaster preparedness in prison that was organized by the GDP and OHCHR in July. As a result, preparedness plans and work undertaken ensured the safety and security of over 1,200 prisoners during the floods in 2012.
- ▶ Law-enforcement and administrative authorities have changed their behaviour in situations where the rights to freedom of assembly and expression and physical integrity could have been violated. Through mediating between authorities and civil society groups, OHCHR ensured that authorities allowed rights-holders to enjoy their rights in several instances, especially during marches or protests.

Ratification (EA 2)

- ▶ Cambodia ratified the Convention on the Rights of Persons with Disabilities on 20 December 2012. OHCHR supported this by advocating for ratification, especially at the Ministry of Social Affairs, and by providing technical support on the preparation of the statement to justify the law on ratification which was adopted by Parliament prior to ratification.

Justice and accountability mechanisms (EA 3)

- ▶ Following regular advocacy by the Office in 2011, the Government drafted a law in 2012 to establish the National Preventive Mechanism (NPM), in line with the requirements of the Optional Protocol to

the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Paris Principles. The current NPM-related entities include an inter-ministerial Committee created by Sub-Decree and a Secretary to that Committee that resulted from a Ministry of Interior Directive. Neither of the entities is legally protected from possible summary abolition by the executive. The draft law has not yet been shared with the Office.

Participation (EA 5)

- ▶ Rights-holders are better able to claim their rights in court through improved access to quality legal representation throughout the country. With no comprehensive legal aid system in Cambodia, OHCHR partnered with *Avocats Sans Frontières* (ASF) in 2012 to provide free legal representation in criminal cases in all provinces for four months. OHCHR has also recruited a Legal Advocacy Officer to assist lawyers in developing arguments using international human rights law.
- ▶ Some 470 human rights defenders increased their capacity to promote human rights and fundamental freedoms. OHCHR contributed to this by organizing national training sessions specially designed for human rights defenders on the use of the Peaceful Demonstration Law and on methodologies for monitoring and reporting on human rights violations.
- ▶ Rights-holders are better aware of the international obligations of States in relation to freedom of expression and opinion and are therefore more equipped to demand respect for their rights. To this end, OHCHR facilitated the translation into Khmer, publication and distribution of General Comment No. 34 of the Human Rights Committee.
- ▶ People who have been arrested by the police are more aware of their rights during police custody. In cooperation with the Ministries of Interior and of Justice, OHCHR produced an Arrest Rights Card which explains the rights of arrested persons in simple language. The cards were distributed to police stations and human rights defenders.
- ▶ Twelve indigenous communities (Phnong and Suoy) gained legal recognition as a step towards the award of communal land title. OHCHR, together with ILO, provided expertise and financial support to the communities and monitored the process.

State engagement with human rights mechanisms (EA 6)

- ▶ Cambodia responded to two of the seven communications submitted by special procedures mandate-holders in 2012.

Cambodia: Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	1,096,692	371,650
Consultants	-	39,475
Official travel	31,000	79,103
Contractual services	3,500	143,642
General operating expenses	143,619	6,000
Supplies & materials	44,166	141,740
Seminars, grants & contributions	4,000	316,452
Subtotal	1,322,977	1,098,062
Programme support costs	-	142,748
GRAND TOTAL	1,322,977	1,240,810

Regional Offices

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

Year established	2002
Staff as of 31 December 2012	8
Expenditure in 2012	US\$ 1,147,770

Results

National laws, policies and institutions (EA 1)

- ▶ The Singaporean Parliament passed amendments to three laws that reduced the scope of the mandatory death penalty. The amendments will make appeals in death penalty cases automatic and provide judges with the discretion to instead impose a life sentence in certain murder and drug trafficking cases. The Regional Office continued engaging with the Government on death penalty issues, in particular by referring to recommendations issued by the Universal Periodic Review (UPR) and other human rights mechanisms.
- ▶ In 2012, the Government of Thailand withdrew its interpretative declaration of article 6 of the International Covenant on Civil and Political Rights after an amendment of the Criminal Code was passed that stipulated the death

penalty should not be imposed on minors.

The Regional Office contributed to this result through consistent advocacy. Furthermore, following the Government's request for technical assistance concerning death penalty reform, the Regional Office held consultations with several stakeholders, including the Ministry of Justice, the Attorney General, judges, lawyers and civil society to share experiences and good practices on death penalty reform from other parts of the world.

- ▶ The Regional Office contributed to amendments to the Prison Law in Myanmar through a joint technical cooperation mission with expert staff from OHCHR-Cambodia and UNODC. The members of the mission reviewed the legislation and provided advice on how to bring it in line with international human rights standards. Also, through support provided to the Special Rapporteur on the situation of human rights in Myanmar and consistent advocacy for the implementation of his recommendations, the Regional Office contributed to a number of significant changes in Myanmar, including the Government's release of a large number of political prisoners, many of whose cases were being monitored by the Special Rapporteur.
- ▶ With the support of the Regional Office, the Myanmar National Human Rights Commission (MNHRC) took steps towards becoming a Paris Principles compliant national human rights commission. The Regional Office developed a project on capacity development of the MNHRC and, as a part of the project, conducted a seminar on good practices in Yangon, Myanmar to comply with the Paris Principles. As a direct outcome, consultations were subsequently held by the MNHRC with local civil society organizations on draft legislation. In addition, OHCHR contributed



Protestors chant slogans about human rights during the ASEAN Summit in Cambodia, November 2012.



Daw Aung San Suu Kyi delivers a speech during the commemoration of Human Rights Day in Myanmar, December 2012.

to the development of draft legislation for the MNHRC. The draft legislation was submitted to the President and is awaiting finalization before being submitted to the Parliament.

Ratification (EA 2)

- ▶ Through its work to support international human rights mechanisms, the Regional Office has consistently advocated for increased ratifications of core human rights treaties in the region. In 2012, Lao PDR ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Philippines ratified the Optional Protocol to CAT and Singapore ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Justice and accountability mechanisms (EA 3)

- ▶ The Philippines Congress passed a bill to criminalize disappearances which provides for the imposition of a maximum penalty of life imprisonment. It is the first national law in Asia to make enforced disappearances a crime. The Government also issued Administrative Order 35, instructing various government agencies to expeditiously cooperate with the investigation and prosecution of cases. The Regional Office proactively engaged with the Universal Periodic Review (UPR) process as the

Philippines underwent its second cycle review, with a particular emphasis on the issues of disappearances, torture and extrajudicial killings. Some stakeholders in the Philippines consider the Administrative Order 35 to be an outcome of the UPR.

- ▶ On 17 September, the Truth for Reconciliation Commission of Thailand released its final report on the 2010 political violence. Prior to the release, the Regional Office provided support to the Commission, including through sharing recommendations issued by UN human rights mechanisms. The High Commissioner released a public statement a day after the report's release, welcoming it as an important step towards accountability. The Regional Office also advocated for the effective implementation of the Commission's recommendations, including through meeting with the Spokesperson of the Panel appointed by the Prime Minister and developing an advocacy strategy with other UN agencies.

International and regional laws and institutions (EA 8)

- ▶ The Association of Southeast Asian Nations (ASEAN) adopted its Declaration on Human Rights (AHRD) on 18 November. The statement accompanying the AHRD stipulated that the Declaration should be implemented in accordance with the obligations of international human rights treaties to which ASEAN Member States are Party. The Regional Office engaged in various types of advocacy and consultation activities with members of the ASEAN Intergovernmental Commission on Human Rights and civil society actors to encourage the adoption of a declaration provided that it is compliant with international human rights standards. The High Commissioner published statements calling for a more considered review of the draft in accordance with international standards, repeatedly called upon ASEAN to involve civil society to a greater extent and expressed her concerns about the lack of consultation. Furthermore, with the support of OHCHR, the Coordination Committee of Special Procedures issued an Open Letter on the draft AHRD calling attention to the need to strengthen substantive provisions before its adoption. These steps contributed to the increased public awareness that the Declaration does not meet the international standards and that countries should continue to be held accountable under the international human rights treaties to which they are Party.

Regional Office for South-East Asia (Bangkok, Thailand): Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	619,251	232,125
Consultants	14,000	11,615
Official travel	9,900	58,542
Contractual services	-	5,650
General operating expenses	61,840	11,570
Supplies & materials	7,723	7,270
Seminars, grants & contributions	19,700	40,800
Subtotal	732,414	367,572
Programme support costs		47,784
GRAND TOTAL	732,414	415,356

Regional Office for the Pacific (Suva, Fiji)

Year established	2005
Staff as of 31 December 2012	4
Expenditure in 2012	US\$ 806,466

Results

National laws, policies and institutions (EA 1)

- ▶ In 2012, authorities and relevant stakeholders in Samoa, Solomon Islands, Palau and Vanuatu received technical assistance from OHCHR, the Asia Pacific Forum (of national human rights institutions) and the Pacific Island Forum Secretariat related to the establishment of national human rights institutions (NHRIs). Samoa drafted enabling legislation and it is foreseen that an NHRI will be established in 2013.
- ▶ National Disaster Management Offices and relevant ministries in Fiji, Solomon Islands and Vanuatu have greater knowledge of protection issues and an enhanced understanding of how they should be addressed. OHCHR contributed to this result by providing relevant technical assistance, briefings and tools, including with the cooperation of the Global Protection Cluster and UNHCR. As a result, the National Disaster Management Office of Fiji created a dedicated framework for protection work.

Participation (EA 5)

- ▶ Approximately 30 key stakeholders in Papua New Guinea (communities in informal settlements, NGOs and other interested actors) have increased their level of knowledge on how to advocate for

their rights. OHCHR contributed to this result by organizing a number of advocacy and capacity development meetings and small-scale workshops in April 2012 that focused on housing rights.

State engagement with human rights mechanisms (EA 6)

- ▶ Two of the countries reporting to the Universal Periodic Review (UPR) in 2012 (Tonga and Tuvalu) have prepared their reports in compliance with the UPR reporting guidelines. OHCHR supported the preparation of these reports by organizing and facilitating national-level workshops and technical assistance in both countries, together with the Pacific Island Forum Secretariat and the Secretariat of the Pacific Community/Regional Rights Resource Team.
- ▶ Awareness of the importance of implementing UPR recommendations has increased across the region. The Office took the lead on assessing the implementation of recommendations by deploying UN Volunteers with human rights expertise to support the Marshall Islands and Vanuatu in their efforts. A national consultant will be deployed in 2013 to work with the Ministry of Foreign Affairs in Fiji.
- ▶ The Regional Office, together with UN Women, the Pacific Islands Forum Secretariat and other partners, assisted Solomon Islands in submitting its State Party report under CEDAW.

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

- ▶ The Pacific Regional 2013-2017 Common Country Assessment (CCA) and United Nations Development Assistance Framework (UNDAF) documents, launched on 8 December 2012, include



The Regional Office for the Pacific supported the visit of the Special Rapporteur on the right to safe drinking water and sanitation to Tuvalu, July 2012.

human rights references. OHCHR contributed to the development of these documents by participating in the Steering Committee; drafting the terms of reference for the CCAs; providing inputs from UPR and treaty bodies to most of the 14 countries in the region; organizing briefings for colleagues involved in the drafting of the CCA; ensuring the application of a human rights-based approach; and participating in the task-team drafting the UNDAF document. In addition, the UNDAF document resulted in a specific governance outcome area that explicitly addresses governance in line with international human rights standards.

Regional Office for the Pacific (Suva, Fiji): Expenditure in 2012

	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel & related costs	-	531,965
Consultants	-	6,969
Official travel	-	74,376
Contractual services	-	10,450
General operating expenses	-	39,318
Supplies & materials	-	6,323
Seminars, grants & contributions	-	44,286
Subtotal	-	713,687
Programme support costs		92,779
GRAND TOTAL	-	806,466

Human Rights Components in UN Peace Missions

United Nations Assistance Mission in Afghanistan

Year established	2002
Staff as of 31 December 2012	105

Results

National laws, policies and institutions (EA 1)

- The Government of Afghanistan made some progress in the implementation and enforcement of the 2009 Law on the Elimination of Violence against Women (EVAW) as Family Response Units were created in the Afghan National Police

and Gender Units were established in various Government ministries and departments. The United Nations Assistance Mission in Afghanistan (UNAMA), with support from OHCHR, assisted provincial governors and departments of women affairs in establishing provincial commissions on the elimination of violence against women and conducted awareness programmes for law enforcement officials in many provinces.

- In November, UNAMA released a report entitled *Still a long way to go: implementation of the Law on the Elimination of Violence against Women in Afghanistan*, observing implementation of the EVAW Law over a 12-month period from October 2011 to September 2012. The report noted an increase in incidents of violence against women reported to certain entities, such as the Afghanistan Independent Human Rights Commission and provincial departments of women's affairs. This increase in reporting is an encouraging sign that the efforts of civil society organizations, the Government and international actors have increased public awareness of and sensitization to violence against women. Application of the EVAW Law, however, continued to be hampered by underreporting and a failure to investigate most incidents of violence against women.
- The protection of women victims of violence in safe houses came under serious threat due to a growing perception by some elements that these shelters were promoting immoral activities and, therefore, should be closed down or managed by the Government. UNAMA, in conjunction with its counterparts, facilitated consultations on the issue of women shelters and carried out concerted advocacy. As an outcome, the Bill on regulation of Women Protection Centres (May 2011) was revised to incorporate recommendations developed by Afghan women's groups, the shelter operators and other



The Director of the Human Rights Unit of UNAMA and the Deputy Special Representative of the Secretary-General for Afghanistan brief journalists in Kabul, Afghanistan, December 2012.

activists. These recommendations aimed to improve the regulatory framework under which shelters were operating while preserving the ability of NGOs to open and operate such centres. At the same time, the Government accepted its responsibility to open, operate and fund protection shelters for women and girls and to take in victims of violence or threatened violence without restriction.

- ▶ Following sustained UNAMA advocacy, and building upon a 2011 mission by the Assistant Secretary-General for Human Rights, the President of Afghanistan issued a decree on 11 March on the occasion of International Women's Day which pardoned a number of female prisoners who had run away from home and reiterated the Government's commitment to promoting constitutional guarantees of gender equality and fundamental freedoms. In September 2012, the Ministers of Justice and Women's Affairs and the Deputy Interior Minister publicly condemned the practice of wrongful arrest and prosecution by law enforcement authorities of women and girls for running away from home, often to escape violence. These condemnations were welcomed by national and international women's rights organizations.
- ▶ The expiration in December 2011 of the terms of the Commissioners of the Afghanistan Independent Human Rights Commission (AIHRC) and the subsequent absence of new appointments in the past 11 months has served to undermine the AIHRC's capacity to act as a strong and vocal advocate for human rights. All nine Commissioners have been working on an acting basis since December 2011. As of December 2012, this issue has yet to be resolved, despite the repeated interventions by the High Commissioner and the efforts of the Special Representative of the Secretary-General in Afghanistan.
- ▶ In August, UNAMA published the mid-year report entitled *Protection of Civilians in Conflict*, in which it documented major trends on the protection of civilians in armed conflict in Afghanistan for the first semester of 2012. Findings from the report pointed to a reduction in civilian deaths and injuries during the first six months of 2012, noting that the decrease is a result of many factors and not necessarily a reflection of an enhanced ability of Pro-Government forces to protect communities or of attempts by Anti-Government elements to minimize casualties. From January to November 2012, there was an increase in civilian casualties with UNAMA documenting a total of 7,064 casualties, representing 2,916 civilians killed and 4,418 injured, an increase from 70 per cent in 2011 to 82 per cent in 2012.
- ▶ In order to assess the treatment of conflict-related detainees, UNAMA continued its detention

observation programme in Afghanistan with visits to over 100 facilities managed by the National Directorate of Security (NDS), the Afghan National Police (ANP) and the Central Prison Directorate. In response to the UNAMA report entitled *Treatment of Conflict-Related Detainees in Afghan Custody* (October 2011), the NDS and the Ministry of Interior cooperated with UNAMA and provided access to almost all detention facilities and detainees. NDS dispatched delegations to conduct investigations into the allegations of torture following the UNAMA report. In addition, NDS established a new Human Rights Department to address human rights violations and conducted refresher training programmes for their personnel, including on human rights and humane treatment of detainees. The Ministry of Interior published a report in March 2012 entitled *Improving Prison Conditions and Promoting Human Rights and Gender Equality within the Ministry of Interior*, which highlighted the progress made in terms of capacity-building and provided information about the delegations established to investigate allegations of torture. UNAMA observed, however, that there was no independent oversight of these delegations and that there have been no prosecutions as of the end of 2012.

- ▶ Following the release of the UNAMA report *Treatment of Conflict-Related Detainees in Afghan Custody*, the International Security Assistance Force (ISAF) took immediate action to support the Afghan authorities in reforming their interrogation and detainee-treatment practices. Under this remedial scheme, ISAF suspended all transfers from international military custody to 16 NDS and ANP facilities where UNAMA had found compelling evidence that torture and ill-treatment had taken place. ISAF also designed and rolled out a six-phase detention facility inspection programme to support Afghan authorities in reforming their interrogation and detainee treatment practices prior to the certification process and resumption of transfers. From November 2011 to March 2012, ISAF completed inspections of the 16 NDS and ANP detention facilities and recertified eight of them.

Justice and accountability mechanisms (EA 3)

- ▶ The Afghan People's Dialogue on Peace (People's Dialogue) initiative, led by Afghan civil society and facilitated by UNAMA, was designed to enable ordinary Afghans, including women, men and youth, to express their views through inclusive public discussions on the prospects for peace, reconciliation, security, economic development, human rights and the rule of law in Afghanistan. Afghan civil society hosted 78 consultations with over 1,500 local Afghans from all walks

of life, including academics, religious leaders, youth activists, women and members of other communities in 31 provinces. The consultations revealed that peace processes have not involved broad-based engagement with communities on issues related to peace and reconciliation. A civil society report entitled *Afghan People's Dialogue: Laying the Foundations for an Inclusive Peace Process*, published on 4 December 2011, summarized the findings of the People's Dialogue and included targeted recommendations. The report was used by members of civil society which led the Dialogue as a basis for high-level advocacy with the Government, the High Peace Council, and the international community during 2012. Building on this initiative, many other civil society organizations held similar consultations on issues related to transitional justice, the protection of women's rights and their political participation throughout the year.

Participation (EA 5)

- ▶ As part of the preparations for the Tokyo Conference on Afghanistan in July, UNAMA supported Afghan civil society initiatives to coordinate joint advocacy and release a statement prior to the conference. The statement on the Tokyo Mutual Accountability Framework on gender equality, women's empowerment and

implementation of the EVAW Law highlighted the role that civil society can play in supporting the Government to bring about peace and stability. Civil society organizations have stressed that the peace process should be inclusive and founded on human rights principles and that any peace and reintegration programme must be based on transparency, accountability and justice and consider the rights of victims. Many elements of this statement are echoed in the final Tokyo Mutual Accountability Framework document, issued in July 2012, which featured human rights, particularly the protection of women's rights, as a principle benchmark and progress indicator and to improve access to justice, strengthen rule of law and fight impunity.

State engagement with human rights mechanisms (EA 6)

- ▶ The Human Rights Support Unit in the Ministry of Justice drafted a National Action Plan for implementation of recommendations issued by the Universal Periodic Review, the Committee of the Rights of the Child and the Committee on Economic, Social and Cultural Rights, and discussed these with government ministries and non-governmental stakeholders. UNAMA supported this National Action Plan by providing

Between July and September 2012, local communities and civil society organizations in Bamyan staged demonstrations as part of advocacy for improved accountability, due process guarantees and respect for the rule of law. Tens of human rights activists participated in the gatherings and requested the Bamyan Governor Office, the Provincial Council, the AIHRC, UNAMA and other human rights organizations and activists to closely monitor the developments in the case of a 16-year old girl who was reportedly raped and killed in early January at the house of a Provincial Council member. Local authorities, in particular the Chief Prosecutor in Bamyan, failed to conduct proper investigations into the case. Consequently, justice had been denied to the victim and her family. The grassroots mobilization



and activism followed sustained advocacy for accountability and due process as well as a media conference by the AIHRC on 18 July in which various concerns were highlighted, namely the lack of professionalism by the Prosecution

Office when handling cases of human rights abuses, including reports of harmful traditional practices as well as limited access to justice, particularly for women. The Chief Prosecutor was subsequently removed from his post.

technical support to the Human Rights Support Unit and other ministries to assist in the implementation of the 143 recommendations, 117 of which have been accepted by the Government of Afghanistan.

- ▶ Jointly with UNAMA, UN Women supported the Government in preparing and submitting its initial periodic report to the Committee on the Elimination of Discrimination against Women for its consideration in 2012. The Committee is expected to review the State Party report in July 2013.

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 2012	47

Results

National laws, policies and institutions (EA 1)

- ▶ The Provedoria for Human Rights and Justice (PHRJ) increased its capacity to monitor and report on the national human rights situation and make recommendations to relevant authorities. For instance, it actively engaged in the monitoring of the presidential and parliamentary elections and published a report on its findings following technical support provided by the Human Rights and Transitional Justice Section (HRTJS) of the United Nations Integrated Mission in Timor-Leste (UNMIT) on the monitoring of elections. During the year, the PHRJ also produced a report on violence in schools, which included focused recommendations to relevant authorities on how to tackle such violence. Technical support for monitoring and drafting the report was provided by OHCHR and UNDP.
- ▶ The National Police of Timor-Leste (PNTL) and the Timor-Leste Defence Force (F-FDTL) increased their understanding and application of human rights in their daily work. HRTJS supported this result through conducting training sessions in collaboration with UNMIT Police, the UNMIT Military Liaison Group and the PHRJ. Four joint sessions on international human rights and humanitarian law, with special attention to the protection of civilians and accountability, were carried out for the F-FDTL and the PNTL's Border Police Unit. In addition, OHCHR increased its collaboration with the F-FDTL by providing additional mentoring and capacity-building support in the area of human rights. Notably, six trainings were carried out for the F-FDTL in different districts on international human rights and humanitarian law and protection of civilians and were attended by 78 participants. Finally, two training sessions were held for 250 new recruits of the PNTL on human rights, including on the rights of women and of children, freedom from torture and the use of force.
- ▶ The Vulnerable Persons Unit (VPU) of the PNTL increased its capacity to investigate complaints as a result of the technical advice provided by the HRTJS and UNMIT police, particularly during a five-day investigation course that was held in September 2012. The HRTJS also supported a training session that was facilitated by VPU officers and attended by 21 additional VPU officers which focused on issues relating to the collection and use of evidence in cases of the violation of rights of vulnerable persons and the assessment of risks for and protection of victims. The Section also produced pocket cards for the VPU with a checklist for investigations, the preservation of evidence, measures to protect victims, procedures to be followed during arrest and the rights of defendants.
- ▶ A public report on human rights developments from July 2010 to December 2011 was prepared by the HRTJS and included information on human rights compliance by the PNTL and the F-FDTL, however, it was not published until 10 December 2012. The report shows that the HRTJS received an increasing number of complaints of alleged violations committed by the security forces between 2010 and 2011. Fact-finding efforts undertaken by the Monitoring and Protection Unit of UNMIT in preparing the report on human rights developments in 2012 demonstrated a decrease in the number of complaints of alleged violations committed by the security forces received that year. The decrease, however, was partially due to the fact that the Section's capacity to monitor human rights issues decreased due to the gradual closure of regional offices and the departure of staff in anticipation of the end of the UNMIT mandate in December 2012.
- ▶ The Prosecutor's Office investigated numerous alleged violations by security forces, as well as cases of gender-based violence, many of which identified members of the security forces as suspects. The HRTJS monitored these cases and

submitted written information to the Prosecutor's Office on the allegations. In general, the number of pending cases at some Prosecution Offices continued to be high, resulting in significant delays in the administration of justice.

- ▶ Civil society organizations and selected government institutions, including the Ministry of Social Solidarity and the National Commission for the Rights of the Child, increased their knowledge about referral networks for women and children victims of abuse. The HRJTS contributed to this result by sharing information on these referral networks.
- ▶ The HRJTS conducted monitoring of the human rights situation during the presidential and parliamentary elections held between March and July and provided technical support to the Provedoria to enhance its capacity to monitor and report on the elections and their compliance with human rights. The Provedoria issued a public report on its findings and noted that the elections were assessed to be free and fair.

Justice and accountability mechanisms (EA 3)

- ▶ Accountability for serious crimes and past human rights violations was enhanced through the completion of investigations undertaken by the Office of the Prosecutor of approximately 80 per cent of the incidents identified by the 2006 Independent Special Commission of Inquiry for investigation and prosecution. The HRTJS continued supporting the Office of the Prosecutor by partially funding two international prosecutor positions to work with the Commission of Inquiry and related cases and resulted in the investigation and prosecution of cases. The HRTJS also monitored trials and drafted briefing notes on these trials, which were conducted in a fair manner.
- ▶ An article-by-article debate was initiated on the draft laws on reparations and on a memory institute which were drafted with technical support from the HRTJS. The debate was postponed indefinitely, however, due to lack of quorum in scheduled sessions of the Parliament. The HRTJS advocated with the Legal Advisor to the President of the Parliament to include the draft laws in the 2012/2013 agenda of the Parliament.

Access to basic services (EA 4)

- ▶ In a pilot project area in a remote village in Bobonaro, there was a 70 per cent increase in the number of families with access to improved sanitation as a result of new latrines that were built by October 2012. Supported by the HRTJS, CARE international provided the community with the skills to build and maintain the latrines. At the



A woman casts her ballot in Timor-Leste's parliamentary elections, July 2012.

start of the project in 2010, there was only one functioning public toilet in the village.

- ▶ Children and women victims of abuse had better access to services as a result of monitoring conducted by the HRJTS, assistance provided in filing complaints and raising protection concerns with relevant authorities. For instance, the HRTJS raised three cases involving the right to health for vulnerable groups with the Ministry of Health and the Civil Service Commission which activated disciplinary mechanisms regarding the conduct of health service professionals for the first time.

Participation (EA 5)

- ▶ Members of school-based human rights clubs in four districts conducted advocacy efforts on human rights issues of concern, including education and environmental health. They assisted victims of alleged violence in schools to file complaints with relevant authorities. The HRTJS conducted training activities for members of the human rights clubs and provided them with knowledge and skills to organize events and conduct advocacy on human rights issues.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ In 2012, the HRTJS chaired the Protection Cluster and led the process to draft and complete the Protection Cluster Contingency Plan for man-made and natural disasters, ensuring that women's and children's concerns were fully integrated. The Government and civil society organizations actively participated in the process. The HRTJS also contributed to the completion of the Inter-Agency Contingency Plan for Timor-Leste. The lead of the Cluster was handed over to UNICEF in October 2012.

Human Rights Advisers in UN Country Teams

Papua New Guinea

Year established	2008
Staff as of 31 December 2012	1

Results

National laws, policies and institutions (EA 1)

- ▶ Following technical assistance provided by OHCHR and the Asia Pacific Forum in 2010 and 2011, the enabling legislation for the establishment of the National Human Rights Commission was prepared by the Department of Justice in conformity with international standards. The draft legislation is awaiting clearance from the Minister of Justice for its submission to the Parliament.
- ▶ OHCHR partnered with the Consultative Implementation and Monitoring Council and led a workshop to review implementation of the recommendations made by the Special Rapporteur on torture following his mission in 2010 in relation to the prevention of torture and improvement of detention conditions in

Papua New Guinea. Fifty senior representatives, including from the Royal Papua New Guinea Constabulary, Correctional Services, Department of Justice and Attorney General, Office of the Public Prosecutor, Constitutional Law Reform Commission and the Law and Justice Sector Secretariat, participated in the workshop and discussed the findings and recommendations of the Special Rapporteur. At the end of the workshop, specific agency plans to implement the recommendations had been developed.

- ▶ The Royal Papua New Guinea Constabulary launched a revised edition of the Guide for Police Conduct and Behaviour; a handbook for police officers to remind them of their responsibilities and obligations in the context of widespread concern regarding police misconduct and abuse in particular killings and torture. The initiative was led by the International Committee of the Red Cross and supported by OHCHR.

Justice and accountability mechanisms (EA 3)

- ▶ OHCHR raised awareness and referred human rights cases to the National Court Human Rights Track (NCHRT); a fast-track procedure for dealing with human rights cases that was initiated on 1 July 2011. The NCHRT makes it easier and simpler to commence proceedings in the courts, improves access to justice, recognizes that human rights cases need to be given special priority and allows judges and court officials to systematically manage human rights. The NCHRT has been used



Image of an outreach and awareness-raising activity organized by the United Nations in Papua New Guinea.

to successfully prosecute a number of key human rights cases in 2012, including cases of killings and torture by the police and with regards to conditions of detention.

State engagement with human rights mechanisms (EA 6)

- ▶ OHCHR facilitated the Universal Periodic Review (UPR) National Task Force meetings to follow up on the review and implementation of the recommendations. The meetings were attended by representatives from the Department of Foreign Affairs and Trade, Department of Justice, Department of Community Development and the Constitutional Law Reform Commission and some members of the UN Human Rights Task Team. By the end of the year, the UPR National Task Force had developed an implementation matrix with UPR recommendations assigned to relevant Government departments for implementation.
- ▶ OHCHR's advocacy facilitated the official invitation from the Government to the Special Rapporteur on violence against women to conduct a fact-finding mission to Papua New Guinea and Solomon Islands in March 2012, the first visit of the mandate to the Pacific region. OHCHR provided support for the visit and the mission report will be presented to the Human Rights Council in June 2013.
- ▶ As a result of OHCHR's technical assistance, the Government of Papua New Guinea increased its capacity to respond to special procedures communications. In 2012, the Government replied to two out of three communications received from special procedures; one regarding the independence of judges and another concerning torture issues.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ As part of a series of capacity-building initiatives to enhance the monitoring, documenting and reporting skills of human rights defenders, OHCHR trained 25 representatives of civil society from 13-17 February 2012 in Port Moresby. Following these initiatives, human rights defenders began using the UN human rights mechanisms to raise awareness about the human rights situation in the country.

Sri Lanka

Year established	2004
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Staff as of 31 December 2012	4
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National laws, policies and institutions (EA 1)

- ▶ The Human Rights Adviser was part of a five-member team that undertook a three-and-a-half week capacity assessment of the Human Rights Commission of Sri Lanka in February and March. The team was led by the Asia Pacific Forum in partnership with UNDP's Regional Office and OHCHR. Following the assessment, a report and series of recommendations were issued to the Human Rights Commission and the UNDP Programme Coordinator subsequently facilitated a two-day workshop to enable the management of the Human Rights Commission to study, prioritize and incorporate the recommendations in a 2013-2016 Strategic Plan. The Plan is currently being finalized and the UN is developing its next phase of support based on the outlined priorities and the recommendations of the assessment. These efforts will be undertaken through a three-year UN Joint Programme that is expected to commence in April 2013.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ On 1 November 2012, the Government of Sri Lanka underwent its second cycle of the Universal Periodic Review (UPR). The Human Rights Adviser provided advice and guidance to civil society organizations and the Human Rights Commission of Sri Lanka on the process for the submission of reports.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ The UN Country Team submitted a joint report for Sri Lanka's second cycle UPR and the Human Rights Adviser chaired a small working group of interested UN agencies to compile inputs for the joint report.
- ▶ A new United Nations Development Assistance Framework was completed in 2012 for the period of 2013-2018. The third pillar - Governance, Human Rights, Gender Equality, Social Inclusion and Protection - was drafted in a broad manner, largely focusing on institutional strengthening in relation to human rights issues. The Human Rights Adviser contributed by providing substantive input.