Discrimination

Countering discrimination, in particular racial discrimination, discrimination on the grounds of sex, religion and against others who are marginalized

Background

The elimination of all forms of discrimination has been one of the objectives of the United Nations since its creation. While ratification of key international instruments is steadily increasing, effective implementation at the national level remains a major challenge. In far too many countries and communities, people continue to be excluded, marginalized or restricted in terms of exercising their human rights.

There has, nevertheless, been incremental progress made in combating racism, discrimination, xenophobia and related intolerance, largely through the enactment or amendment of constitutional protection frameworks and domestic legislation. These steps are crucial for the protection of rights and providing avenues for remedy and redress. Yet tangible progress can only be achieved through the implementation and enforcement of these laws, which must be supplemented by the appropriate political will and addressing the structural causes of discrimination. In some cases, it is the laws themselves - or the institutions and the practices - which are discriminatory.

OHCHR’s role

OHCHR leads the work of the United Nations in preventing and combating discrimination and promoting equality and universal respect for human rights and fundamental freedoms. The Office advocates for, promotes and supports reforms, including through the provision of technical advice and assistance to States seeking to implement their
Women leaders of Krinding camp for internally displaced persons in El Geneina, West Darfur, June 2012.
international obligations and the recommendations issued by human rights bodies and mechanisms. OHCHR also supports the efforts of national human rights institutions (NHRIs), specialized equality bodies, civil society, individuals and groups facing discrimination.

The Office provides the international human rights mechanisms with substantive and technical secretariat support. It works for the empowerment of groups and individuals facing discrimination by facilitating their participation in relevant activities, carries out projects to strengthen their capacity to claim their rights and supports grassroots and community-based efforts to combat discrimination.

OHCHR is also mainstreaming the principles of equality and non-discrimination throughout the work of the UN system at the global, regional and national levels.

National laws, policies and institutions (EA 1)

Increased number of national anti-discrimination and equality laws, administrative measures, policies and programmes, including national action plans, as well as practices in compliance with international norms and standards

Racial discrimination

OHCHR works with governments on the formulation, adoption or revision of draft legislation and policies, as well as on institution-building and institutional reform. OHCHR also provides human rights expertise and advice, supports civil society organizations in their advocacy efforts, assists United Nations Country Teams (UNCTs) in providing comments on draft laws and engages with a number of international human rights mechanisms to advocate for the adoption of laws which are in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Following five years of OHCHR’s engagement with the Government and civil society actors, the Republic of Moldova adopted a comprehensive anti-discrimination law in May. As a result of OHCHR engagement, the Government committed to implementing a comprehensive ban on discrimination.

In Ukraine, following recommendations issued by the treaty bodies, OHCHR cooperated with partners from international organizations, civil society and the Ombudsman Institution to generate momentum for the adoption of a comprehensive anti-discrimination law, which was passed by Parliament on 6 September 2012.

In Kosovo¹, OHCHR continued to support the adoption of amendments to the Anti-Discrimination Law, including in relation to the establishment of an efficient monitoring mechanism, which could improve implementation of this law.

In Ecuador, OHCHR contributed to progress made in the process to negotiate agreements between the Ministry of Justice, Human Rights and Cults and the Ministry of Coordination of Heritage and each State institution for the implementation of the training modules on collective rights.

OHCHR continued to provide advice on and support to Member States in the formulation of national policies and programmes, including national action plans to eradicate racism, discrimination and promote equality. Support aimed at developing national action plans was provided to Benin, Bolivia, Burkina Faso, Costa Rica, Mauritania, Niger and Nigeria.

In Bolivia, the National Committee against Racism and All Forms of Discrimination adopted its Action Plan in February 2012. Burkina Faso finalized its draft National Action Plan which envisages awareness-raising and human rights education campaigns, protection against acts of racial discrimination through the strengthening of the judiciary and the improvement of access to justice by victims. In Mauritania, the programme for the National Plan of Action and Good Practices against Racial Discrimination, Xenophobia and Intolerance was launched on 26 November 2012. A National Management Committee was established to oversee the development of the Plan in 2013.

Indigenous peoples

In several countries in South America, OHCHR supported the process of adoption of new legislation related to the rights of indigenous peoples.

In Bolivia, the National Committee against Racism and All Forms of Discrimination adopted its Action Plan in February 2012. Burkina Faso finalized its draft National Action Plan which envisages awareness-raising and human rights education campaigns, protection against acts of racial discrimination through the strengthening of the judiciary and the improvement of access to justice by victims. In Mauritania, the programme for the National Plan of Action and Good Practices against Racial Discrimination, Xenophobia and Intolerance was launched on 26 November 2012. A National Management Committee was established to oversee the development of the Plan in 2013.

References

¹ Reference to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo.
prepared a public report presenting his comments on the draft regulation. The report was shared with the Government and approximately 250 indigenous leaders. Discussions between Governmental authorities and indigenous representatives are proceeding on a more equal footing.

Cameroon is in the process of enacting a law on the promotion and protection of indigenous peoples. Government representatives and other stakeholders were sensitized on the rights of indigenous peoples through two OHCHR seminars and one ILO expert meeting on the ratification of the ILO Conventions related to indigenous peoples.

In May, OHCHR issued guidelines on indigenous peoples in voluntary isolation and initial contact in the Amazon Basin and El Chaco. This followed from a series of consultations held in the region to support the formulation of national policies that are rooted in a principle of protection. Further to high-level launching events in Colombia, Ecuador, Paraguay and Peru, several initiatives are now being implemented, with support from OHCHR field presences and in cooperation with relevant authorities, to promote this new tool and its practical implementation. These activities have already influenced decision-making processes at the national level and helped to ensure that legislation, policies and programmes related to indigenous peoples living in voluntary isolation are in line with international human rights standards, i.e., the Bolivian draft Law on Indigenous Peoples in Voluntary Isolation and Initial Contact.

In Ecuador, OHCHR published a Training of Trainers’ Guide on the Collective Rights of the Peoples and Nationalities of Ecuador, tailored to the judiciary, the Ombudsman’s Office, the national police and the armed forces.

In Guatemala, staff from the Ministry of Energy and Mining (MEM) enhanced their knowledge through two OHCHR trainings on international human rights standards and the rights of indigenous peoples, particularly regarding the obligation of States to consult with indigenous peoples. Following these capacity strengthening activities and meetings with the Vice-Ministry of Sustainable Development, the MEM is working with other Ministries to initiate a dialogue process with indigenous communities that would be affected by a hydroelectric project and mining operation.

On 30 June, the Plurinational Constitutional Court (PCC) of Bolivia issued a milestone decision regarding the right of indigenous peoples to consultation, specifically the indigenous communities living in the Isiboro Secure National Park and Indigenous Territory (TIPNIS). OHCHR played a key role in assisting the PCC to develop its doctrinal knowledge on the subject through training activities and a seminar with experts from other countries, such as Colombia, Mexico and Spain. During these events, 130 participants, which included judges and judicial officials from the PCC, enhanced their knowledge on the right of indigenous peoples to consultation.
Discrimination against women in law and practice

OHCHR promoted the adoption of laws to ensure equality of treatment, opportunity and access of women and men as part of its efforts to increase the participation of women in decision-making and the removal of discriminatory laws. The Office provided technical advice on legislation and policy formulation and carried out advocacy activities, in cooperation with other actors, targeting governments and other partners.

In November, the United Nations Assistance Mission in Afghanistan (UNAMA) released a report entitled *Still a long way to go: implementation of the Law on the Elimination of Violence against Women in Afghanistan (EVAW)*. The report analysed implementation of the EVAW Law from October 2011 to September 2012 and noted an increase in the reporting of incidents of violence against women to 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 about and sensitization to the issue of violence against women, its harmful and criminal consequences and women’s rights in general. Application of the EVAW Law, however, continued to be hampered by dramatic under-reporting and a failure to investigate most of the reported incidents of violence against women.

UNAMA/OHCHR, in conjunction with its counterparts, facilitated consultations on the issue of women’s shelters. The much-needed protection of victims of violence against women in these safe houses was threatened due to a growing perception by some elements that the shelters are promoting immoral activities and should be closed down or managed by the Government. As a result of these consultations and concerted advocacy efforts, the Bill on the Regulation of Women Protection Centres (May 2011) was revised to incorporate the recommendations of women’s groups, the shelter operators and activists.

In Kosovo, OHCHR and the Gender-Based Violence UN Kosovo Team (UNKT) Task Force provided substantial comments on draft amendments to the Gender Equality Law. The comments were analysed by the Legal Office/Office of the Prime Minister which announced that a consultation with UNKT will be organized in 2013 to discuss the proposed amendments and that recommendations would be incorporated in the draft.

In Kosovo, OHCHR and the Gender-Based Violence UN Kosovo Team (UNKT) Task Force provided substantial comments on draft amendments to the Gender Equality Law. The comments were analysed by the Legal Office/Office of the Prime Minister which announced that a consultation with UNKT will be organized in 2013 to discuss the proposed amendments and that recommendations would be incorporated in the draft.

The Plurinational Legislative Assembly of Bolivia adopted two important laws related to women’s rights: Law 243 on Harassment and Political Violence against Women and Comprehensive Law 263 against Trafficking of Persons, both of which are in line with the Constitution and international human rights conventions. In addition, OHCHR provided technical assistance to the Alliance for the Legislative Agenda for Women regarding the drafting and revision of the above-noted laws and the implementation of recommendations made by the Committee on the Elimination of Discrimination against Women (CEDAW) in its concluding observations (N° 27 and 31) to the Bolivian State.
OHCHR provided logistical support and substantive advice to the 11th International Conference of National Human Rights Institutions and its Drafting Committee, held in Jordan in November. The Conference focused on *The human rights of women and girls: Promoting gender equality*. Participants adopted the Amman Declaration and Programme of Action, along with regional action plans, and a firm commitment was made by NHRIIs to increase their efforts to promote and protect the human rights of women.

OHCHR contributed to awareness-raising activities on the implementation of Security Council resolution 1325 in Senegal. The Office provided technical assistance on the elaboration of the national policy on gender and HIV and sensitized women parliamentarians on State institutions, the rule of law and the importance of mainstreaming gender in parliamentary debates relating to the formulation of the national budget. This was done in close partnership with the Ministry of Justice and the Association of Women Lawyers.

In other countries, specifically Burkina Faso and the Gambia, national action plans were developed for the implementation of Security Council resolutions 1325 and 1820. In both cases, OHCHR provided technical and financial support to the key lead ministries by giving feedback on the draft action plans and by participating in the validation workshops.

OHCHR released a publication on *Women and the Right to Adequate Housing* which provides analysis, conceptual and technical guidance with respect to the enjoyment of this right by women and its gender specific dimensions. By providing positive examples and drawing on the extensive work of the human rights mechanisms, the publication serves as an effective tool for human rights advocates, policymakers and other stakeholders to improve the enjoyment of this right by women.

**Sexual orientation**

OHCHR called on governments to ensure that specific draft legislation related to sexual orientation was in compliance with human rights standards. In particular, communications were sent to Cameroon, Nigeria and Uganda, requesting that they review draft legislation affecting the rights of homosexuals.

OHCHR finalized a publication to provide Member States and other stakeholders with a tool to assist in the establishment or strengthening of national mechanisms for the promotion, protection and monitoring of steps taken to combat racism, racial discrimination, xenophobia and related intolerance. The publication will be released in early 2013.

**Persons with disabilities**

The growing number of ratifications of the Convention on the Rights of Persons with Disabilities (CRPD) led to an increase in requests for training courses to build the capacity of national stakeholders, such as representatives of governments, civil society, including organizations of persons with disabilities, national human rights institutions and others.

Raising awareness of the importance of aligning national anti-discrimination legislation with the CRPD remained one of the key areas of OHCHR’s work on disability rights in 2012. OHCHR provided assistance and support to States Parties in reviewing national legislation and policies on discrimination against persons with disabilities to ensure their compliance with the CRPD.

Over 20 OHCHR human rights field presences now actively promote the rights of persons with disabilities, including by focusing on law and policy reform. A seminar organized by the Office in Lusaka, Zambia, in October 2012, for representatives of governments, civil society and national human rights institutions from 11 countries in the subregion led to the adoption of the *Southern African Declaration of 2012 on the Implementation of the Convention on the Rights of Persons with Disabilities*.

In November, the South Darfur legislature passed the State Act for Disabled Persons following the ratification of the International Convention for the Disabled in 2008 as well as the enactment of the local Disabled Act in 2009.

Workshop on political participation of persons with disabilities facilitated by the Human Rights Section of UNIPSIL and OHCHR, October 2012.
OHCHR continued to assist States Parties to implement their obligations under the CRPD, including those concerning the establishment of a national independent monitoring mechanism to promote, protect and monitor implementation of the Convention (art. 33 (2)). For example, the human rights presence in the former Yugoslav Republic of Macedonia supported the establishment, in November, of a National Coordination Body for the Implementation of the CRPD.

Sierra Leone made progress on implementing the 2011 Persons with Disability Act by establishing a National Commission for Persons with Disabilities (NCPD) in August 2012. The Human Rights Section (HRS) of the United Nations Integrated Peacebuilding Mission in Sierra Leone (UNIPSIL) played a pivotal role in the establishment of the NCPD, including through the establishment of the Technical Committee on Disabilities, the drafting of a roadmap which was endorsed by the Minister of Social Welfare, Gender and Children Affairs (MSWGCA), and technical support provided to the MSWGCA and other relevant actors.

Through an OHCHR advocacy project in the Russian Federation, the Regional Organization of Persons with Disabilities, Perspektiva, and its partners increased the awareness of over 400 stakeholders, including government officials, educational workers, legislators, disability NGO activists and experts, journalists, students, people with disabilities and members of their families, regarding the CRPD (particularly article 24), and amendments that are required in national legislation and policies. As a result of the public discourse held in relation to the draft Federal Law On Education in the Russian Federation the draft refers to the “inclusive and integrated education of people with disabilities,” and stresses that the State must create the necessary conditions for high-quality education without discrimination for persons with disabilities.

In Iraq, the Human Rights Section of the United Nations Assistance Mission for Iraq, together with the Council of Representatives and the Iraqi Alliance of Disability Organizations, held a conference on the implementation of the CRPD which resulted in the presentation of over 50 recommendations to the Government and Council of Representatives to ensure implementation of the rights of persons with disabilities.

OHCHR published a new training package on the CRPD and its Optional Protocol which seeks to provide basic information on a human rights-based approach to disability, discrimination on the basis of disability, the fundamental elements of the Convention and its Optional Protocol and the processes and issues underlying their ratification, implementation and monitoring. Organizations of persons with disabilities and other civil society actors have reportedly used the materials in various training courses, briefings and seminars.

**Persons living with HIV/AIDS, stigma and marginalization**

Through an OHCHR advocacy project in the Russian Federation, the Regional Organization of Persons with Disabilities, Perspektiva, and its partners increased the awareness of over 400 stakeholders, including government officials, educational workers, legislators, disability NGO activists and experts, journalists, students, people with disabilities and members of their families, regarding the CRPD (particularly article 24), and amendments that are required in national legislation and policies. As a result of the public discourse held in relation to the draft Federal Law On Education in the Russian Federation the draft refers to the “inclusive and integrated education of people with disabilities,” and stresses that the State must create the necessary conditions for high-quality education without discrimination for persons with disabilities.

In Iraq, the Human Rights Section of the United Nations Assistance Mission for Iraq, together with the Council of Representatives and the Iraqi Alliance of Disability Organizations, held a conference on the implementation of the CRPD which resulted in the presentation of over 50 recommendations to the Government and Council of Representatives to ensure implementation of the rights of persons with disabilities.

OHCHR published a new training package on the CRPD and its Optional Protocol which seeks to provide basic information on a human rights-based approach to disability, discrimination on the basis of disability, the fundamental elements of the Convention and its Optional Protocol and the processes and issues underlying their ratification, implementation and monitoring. Organizations of persons with disabilities and other civil society actors have reportedly used the materials in various training courses, briefings and seminars.

**Persons living with HIV/AIDS, stigma and marginalization**

The Parliament of Moldova adopted amendments to the 2005 Law on HIV/AIDS which considerably strengthened guarantees concerning non-discrimination of individuals with HIV/AIDS, privacy related to medical treatment, confidentiality of information and data protection. OHCHR provided comments on the content of the draft Law and worked with the Special Rapporteur on the right to health, who communicated with the Government during the initial drafting process.
Increased number of specialized equality bodies, focal points and independent national human rights institutions, working on equality and non-discrimination, in accordance with international standards

In Kenya, the three Article 59 Commissions, together with the other 11 Constitutional Commissions, came together for the first time to create a common platform for the complementary implementation of their respective mandates to protect the rights and sovereignty of the people, as envisaged under Chapter 15 of the 2010 Constitution. OHCHR supported these efforts by convening the first Constitutional Commissions Retreat that mapped out and addressed areas of overlap for the realization of rights enshrined in the Constitution, particularly in the area of discrimination.

The Government of Afghanistan made some gains in the implementation and enforcement of the 2009 Law on the Elimination of Violence against Women (EVAW) and demonstrated its commitment to support the protection of women’s rights. Family Response Units were created in the Afghan National Police and Gender Units were established in various Government ministries and departments. UNAMA/OHCHR assisted provincial governors and departments of women’s affairs in establishing provincial commissions on the elimination of violence against women (CoEVAW) and conducted awareness-raising programs for law enforcement officials in many provinces.

OHCHR developed guidance for NHRIs on how to advance the principles of the Declaration on the Rights of Indigenous Peoples. A draft handbook on this topic was circulated to NHRIs in all regions and “road-tested” in practice, including through training for NHRI officials in Namibia.

Access to justice and basic services (EA 4)

Increased number of measures taken to contribute to the fulfilment of economic, social and cultural rights by individuals and groups facing discrimination

With the support of OHCHR, the Colombian Ministry of Education developed a programme that contributed to the transformation of learning environments by promoting the competencies of children and youngsters to be active rights-holders within their families, schools and communities. The National Human Rights Education Plan (Planedh) project had a direct impact in 25 municipalities of five departments that were chosen as pilot environments. The project integrated teacher training policies and human rights education programmes into municipal and departmental development plans. The capacities of 250 teachers from 125 educational institutions were strengthened.

On 5 and 6 March 2012, in Lima, Peru, the Special Rapporteur on the rights of indigenous peoples met with indigenous representatives and representatives of the Congress of Peru on the principle of free, prior and informed consent in the context of extractive industries. His intervention provided guidance on the principle of consultation and consent with indigenous peoples and addressed concerns regarding a draft regulation on consultation with indigenous peoples, which was subsequently adopted by the Government.

On 22 June 2012, the Government of the Republic of Moldova decided to amend the 2007 Law on prophylaxis of HIV/AIDS infection, strengthened prohibitions on HIV-related discrimination in the workplace and removed mandatory HIV testing for non-nationals and couples before marriage in line with the recommendation of the Special Rapporteur on the right to health. On 4 December, the Government acted on issues raised by the Special Rapporteur, followed up on by the OHCHR field office and the UNCT, to improve privacy, confidentiality and data protection for persons living with HIV/AIDS, including by ordering the removal of the possibility of access to personal data by epidemiologists, and establishing that only the family doctor may have access to the personal files of the person concerned with her informed consent (opt-in modalities).
In Iraq, members of the Council of Representatives, the Government, judiciary and civil society enhanced their knowledge on the rights of minorities and made recommendations on legal, institutional and policy reforms aimed at ensuring the full and equal participation of minorities in the political, social and economic life of the country during three OHCHR/UNAMI seminars (in Basra, Baghdad and Erbil).

In the United States of America, the sale of land which is sacred to the Lakota and Dakota indigenous people was cancelled following a comprehensive public awareness campaign. The campaign included a press release by the Special Rapporteur on the rights of indigenous peoples calling on the Government and authorities in South Dakota to promote consultations with indigenous peoples. A version of the Special Rapporteur’s press release that was made public on Twitter was re-tweeted over one million times.

In cooperation with the Cambodian Government and ILO, OHCHR supported the indigenous peoples’ legal entity registration as a step towards applying for collective land title in Cambodia. OHCHR assisted in this effort by contributing to increased understanding among relevant ministries and indigenous communities on the legal framework protecting the human rights of indigenous persons. OHCHR supported specific projects in seven Phnong villages and five Suoy villages.

**Participation (EA 5)**

*Increased effective participation of individuals and groups faced with discrimination in decision-making processes, monitoring of public policies and use of existing national protection systems.*

Participation in the monitoring of public policies and decision-making processes is essential for the exercise of human rights. OHCHR places particular emphasis on strengthening the participation of women in these processes.

OHCHR’s report on participation of persons with disabilities in political and public life (A/HRC/19/36), mandated by the Human Rights Council, has been used in advocacy efforts with Government officials and parliamentarians to lift restrictions on the right to vote of persons with disabilities. Many Member States commended its practicality in making voting procedures more accessible to persons with disabilities.

**Restoring land to the Kaqchikel community of Chuarrancho (Guatemala)**

On November 2012, a court ruling restored the property of 4,185 hectares to the Kaqchikel Maya community of Chuarrancho, in the central area of Guatemala. This decision represents a two-fold victory for indigenous peoples in the country, as it provides a legal basis for both the recognition of ancestral lands and indigenous forms of organisation.

“The court ruling benefits over 5,000 families living in the community”, says young indigenous leader Santos Alvarado, president of the indigenous community of Chuarrancho. “It is an important achievement because now we have autonomy over our own territory”, he remarks.

During the pre-hispanic era, the indigenous community of Chuarrancho constituted an Amaq (political fraction) of the Chajoma Nation. After being subjected to colonization and being robbed of their land by the conquerors, in 1759 the indigenous peoples of Chuarrancho bought back 4,185 hectares of their ancestral lands from the Spanish Crown. Although this purchase was recognized by the subsequent Guatemalan authorities, the land was registered under ownership of the Municipality of Chuarrancho in 2001, when the records were digitalized.

The community of Chuarrancho, with support and advice of COMKADES - a beneficiary NGO of the Maya Programme- registered their legal status as an indigenous community and then presented an appeal, claiming the change in the land registry was unconstitutional and contrary to international human rights standards. “Thanks to the support of COMKADES, we organized ourselves as an indigenous community and got advice on how to recover our land”, says Alvarado.

In the framework of the Maya Programme, OHCHR-Guatemala provides training for strategic human rights litigation on indigenous peoples’ rights to indigenous organizations, university students and professors. Resulting from these trainings, a total of 18 cases of strategic litigations have been filed, focusing on the rights to land, territory and natural resources, consultation, self-determined developments, identity, freedom of expression and communication, intercultural bilingual education, non-discrimination and free access to sacred places. To date, two cases have received a favourable ruling, while the other 16 remain open.
OHCHR and a local NGO produced a report on the rights of ethnic minorities in Tajikistan. A pilot minority voter education campaign was held to inform and educate minority voters about the importance of political participation in the 2012 local elections which led to increased voter turnout in minority areas. The Office also produced a study on minority participation in decision-making bodies at the national and local levels for Central Asia. The report, *Realization of the right to effective participation of persons belonging to national minorities in public affairs*, analysed the right to effective participation in practice and identified major problems regarding the inclusion of minorities in decision-making structures and provided recommendations for addressing these problems.

In the South Caucasus, a legal clinic focusing on protection of the rights of persons with disabilities in Zugdidi, Western Georgia, was established in September with the financial assistance of OHCHR. The functioning of the legal clinic and the provision of free legal assistance, including court representation, to persons with disabilities was complemented by multiple advocacy campaigns and roundtable discussions between NGOs and representatives of the executive government in the Samegrelo region in Western Georgia.

During a workshop organized in Tunisia in December, women human rights defenders from six countries of the Middle East and North Africa (MENA) region (Bahrain, Egypt, Libya, Tunisia, Syria and Yemen) gained increased awareness about the UN conceptual framework on the protection of human rights defenders, including analysis of the gender specific dimensions that affect women human rights defenders differently.

The Office continued to promote the methodology of strategic litigation in order to create demand by individuals and certain marginalized groups to ensure the implementation of international standards, challenge anti-discriminatory laws and test the judicial system's response to anti-discrimination cases.

In Kosovo, OHCHR support increased the capacities of 10 NGOs, the Ombudsperson Institution and the Agency for Free Legal Aid to claim the right to non-discrimination. The Office also organized a training on monitoring human rights for local NGOs operating in four municipalities in northern Kosovo. Through training, local NGOs acquired theoretical knowledge and increased their understanding on their role in identifying and addressing human rights violations. A brochure was also produced containing basic information on the role of NGOs in monitoring human rights and references for further reading.

In Colombia, OHCHR carried out a broad participatory process with more than 3,300 rights-holders to collect their visions, expectations and recommendations on the right to consultation of indigenous peoples and the concept of free, prior and informed consent. The process contributed to an enhanced dialogue between indigenous peoples and State authorities at the local level.

Also in Colombia, the participatory process contributed to increasing the knowledge of ethnic Colombian peoples, organizations and traditional authorities on international norms on free, prior and informed consultation and consent. It also contributed to strengthening indigenous, Afro-descendant and Rom organizations and enhanced their dialogue with 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 regional guidelines on ways external actors must consult them.

In Guatemala, the Office facilitated dialogue and analysis of various themes related to the protection of human rights of indigenous peoples. This included a proposal on Constitutional Reform and the policies and a proposed reform of the Mining Law presented by the President. Various indigenous leaders and organizations publicly expressed their position on the Constitutional Reform. Several leaders expressed their opposition and other organizations presented a proposal to include additional themes in the reform. Ultimately, the proposal was withdrawn. Indigenous organizations also presented a legal action before the Constitutional Court arguing the unconstitutionality of the current Mining Law as it was drafted without consultation with indigenous peoples according to international standards.

In the State of Palestine, OHCHR worked with Handicap International to build the capacity of the five key national-level organizations of persons with disabilities and ensure their active involvement in ongoing discussions between UN agencies and relevant ministries related to law reform initiatives and the development of the first National Palestinian Plan of Action for Human Rights in accordance with article 4(3) of the CRPD.

---

2 Reference to Palestine should be understood in compliance with United Nations General Assembly resolution 67/19.
In Guatemala, OHCHR provided technical assistance to the Indigenous Women Organization Tzununija regarding an emblematic case of eight indigenous women with detention orders for opposing the installation of electricity posts on their property. The Court ruled in favour of the women and required the payment of compensation by the private company. Also in Guatemala, 18 of the 20 indigenous organizations supported by the Maya Programme formally presented legal claims before competent administrative or judicial courts. Of these cases, seven have achieved results which may potentially change the national protection system regarding key areas, such as the right to participation of indigenous representatives in Departmental Development Councils, the titling of indigenous territories, the recognition of indigenous forms of organization for land tenure and the need for legislation to enable indigenous community radios to transmit in indigenous languages.

In Honduras, 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 and implemented in 2013. With the assistance of OHCHR, a consultant group was created to analyse international recommendations and ensure their inclusion in the Plan.

In Paraguay, NGO capacities to monitor human rights and participate in the development of public policies were improved with OHCHR support. A new annual report of CODEHUPY (NGO human rights network) was issued in December and OHCHR’s methodology on human rights indicators was taken into account by NGOs in their own monitoring and reporting processes.

Responsiveness of the international community (EA 10)

Increased responsiveness of the international community to critical and emerging situations where issues of discrimination might arise and where potential conflict situations involving discrimination may be present

The Office closely followed discrimination-related discussions at the intergovernmental level in relation to General Assembly resolutions on the rights of the child, the rights of persons with disabilities, racial discrimination, older persons, indigenous peoples, migration and freedom of religion or belief. Advice on OHCHR’s role as well as relevant human rights guidance was provided, in particular on racial discrimination, which was taken into account in final resolution texts, such as A/RES/67/155 on Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

The awareness of participants was raised through a number of high-level panels organized by OHCHR on issues such as racism and conflict, multiculturalism and current global human rights situations drawing from the inspiration of Nelson Mandela Day, during various sessions of the Human Rights Council and other important dates, including the International Day for the Elimination of Racial Discrimination.

In March, the Office supported the first formal intergovernmental United Nations discussion on violence and discrimination against individuals based on their sexual orientation and gender identity. The event at the Human Rights Council featured presentations by the High Commissioner and a panel of experts, a video message from Secretary-General Ban Ki-moon, and an open debate, to which representatives of some 41 Member States and regional groups and a number of NGOs contributed through either oral or written statements.

Throughout the year, the Office raised international awareness of human rights violations against lesbian, gay, bisexual and transgender (LGBT) persons through a range of activities. Short videos featuring the High Commissioner and the Secretary-General appealing for an end to anti-LGBT discrimination were watched online by almost 200,000 people and widely broadcast at civil society-organized events to mark the International Day against Homophobia in May. Key messages were also disseminated via social media platforms and through feature stories posted on the OHCHR website. In September, the Office published Born Free and Equal -- a 60-page booklet designed for Member States and outlining the sources and scope of the legal obligations to protect the human rights of LGBT persons.

OHCHR contributed to information-sharing and awareness-raising on global resources to fight against racism and racial discrimination through the creation of the OHCHR database on practical means to combat racism, racial discrimination, xenophobia and related intolerance. The first phase of the project was completed in 2012 and
included the compilation of information received from stakeholders, as well as the identification and analysis of further data.

In supporting the Open-Ended Working Group on Ageing, OHCHR ensured geographical representation and gender balance in its panels and contributed analytical inputs to the discussions. Moreover, OHCHR promoted the participation of civil society in the debates. The Working Group’s mandate was recently upgraded by the General Assembly. The 2012 Human Rights Council Social Forum marked the International Day for older persons by including presentations on the active participation of older persons in development and globalization.

The first panel discussion to Give Voice to People Living with and Affected by HIV was held under the auspices of the Human Rights Council. At this occasion, people living with HIV and marginalized populations brought to light the wide array of human rights violations committed against individuals and communities affected by HIV. Delegations acknowledged that human rights were central to the global HIV response and highlighted in particular the importance of sustainable financing options to ensure access to affordable treatment.

OHCHR prepared a comprehensive publication on Promoting and Protecting Minority Rights - A Guide for Minority Rights Advocates. The Guide offers information related to norms and mechanisms developed to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities and the procedures and forums in which minority issues may be raised within the UN and regional systems.

The 20th anniversary of the UN Declaration on Minority Rights

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by consensus at the General Assembly on 18 December 1992. Twenty years later, it remains the most important UN instrument specifically devoted to minority rights, providing authoritative guidance and key standards ranging from non-discrimination to participation in decision-making.

In order to make this document more well-known and widely used by governments, national human rights institutions, minority activists, civil society, international organizations and the UN, OHCHR used the opportunity of the 20th anniversary to design a range of communication tools and awareness-raising activities. These ranged from creating a graphic profile and dedicated website to organizing a Human Rights Council panel and four regional substantive events in Austria, Kyrgyzstan, Qatar and Thailand. A variety of social media platforms were used to broadcast the message of the Declaration to a global audience and encourage them to reflect on how we can all work together to ensure it has maximum impact on the ground.

The anniversary also inspired greater engagement and cooperation in the UN system, notably through the launch of the UN Network on Racial Discrimination and Protection of Minorities, established in March 2012 and coordinated by OHCHR. One of the first tasks of the Network is to prepare a guidance note for the UN system to better address the promotion and protection of minority rights in its work.

The momentum created by the activities resulted in enhanced awareness of the Declaration as an effective advocacy tool in claiming minority rights at the national, regional and international levels, while ensuring the participation of minority women. During these anniversary events many participants reaffirmed their commitments in this field.

The Office also finalized a comprehensive publication entitled, Promoting and Protecting Minority Rights - A Guide for Minority Rights Advocates to build the capacity of various stakeholders working on minority issues.
The Department of Public Information, in cooperation with OHCHR, produced a publication combining the 2001 Durban Declaration and Programme of Action, the 2009 outcome document of the Durban Review Conference and the 2011 political declaration of the 10th anniversary of the Durban Declaration and Programme of Action. The publication will be disseminated as a reference tool for UN system partners, students, non-governmental organizations and human rights practitioners.

The Office developed a global campaign, entitled *Let's Fight Racism*, to highlight stereotypes, challenge perceptions, encourage discussion and change behaviour. Images of people of different racial and ethnic backgrounds were used on postcards, videos, the internet and social media platforms and were accompanied by the slogan, *More than meets the eye*. The campaign was used to conduct a multilingual social media campaign in the lead-up to the International Day for the elimination of racial discrimination in 2012. The week-long campaign, *7 Days & 7 Ways to Fight Racism*, used Twitter, Facebook and newer social media tools such as Storify, Pinterest and Google+ to reach a record number of people, including over three million followers on Twitter. The global network of UN Information Centres further promoted and disseminated the *Let's Fight Racism* materials as part of their local public information campaigns.

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

*Increased integration of equality and non-discrimination standards and principles in UN policies and programmes and in other key areas including at the country level*

OHCHR works within and across the UN system to promote and protect human rights. It aims to integrate a rights-based approach to the UN’s work and ensure that the principles of equality and non-discrimination continue to serve as a solid foundation to the UN’s programming in all spheres and activities.

In March, the Secretary-General’s Policy Committee endorsed the establishment of a UN Network on racial discrimination and the protection of minorities. The network is coordinated by OHCHR with the primary aim of enhancing dialogue and cooperation between relevant UN departments, agencies, funds and programmes. The objective is to build coherent and contextualized UN action and messages on racial discrimination and minority issues, both globally and in specific regions, and provide support for strong Secretary-General engagement. The network will also review the content of relevant training initiatives established within the Secretariat and elaborate proposals on how they could better incorporate issues concerning racial discrimination and national or ethnic, religious and linguistic minorities.

The implementation of the UN Indigenous Peoples’ Partnership (UNIPP) began in 2012, with six UN joint programmes in Bolivia, Cameroon, Central African Republic, the Congo and Nicaragua, as well as through a regional programme in South-East Asia. While they are still in the early stages of implementation, these joint programmes have already yielded results, including normative developments and improvements in dialogue between Government officials and representatives of indigenous peoples. For example, in the Congo, the UNIPP contributed to the development of seven Governmental decrees to facilitate the implementation of the law on indigenous peoples in July 2012. This is the first law in Africa devoted to indigenous peoples and the decrees aim to ensure its full implementation in key thematic areas, such as the protection of traditional knowledge, cultural heritage and sacred sites of indigenous communities as well as access to education and health services.

In March 2012, OHCHR, through its the Regional Office for Europe, assumed the leadership of the Roma Task Force of the Regional Directors Team (RDT) and was charged with drafting a joint position paper of the RDT on Roma, which was adopted in November 2012.

In Ecuador, OHCHR, in coordination with the Resident Coordinator’s Office and PRO169 of ILO Peru, organized and implemented a workshop for the staff of other UN agencies to increase their knowledge and strengthen their understanding about the right to prior consultation of indigenous peoples.

OHCHR led a mapping of women’s access to justice activities in selected member organizations of the Inter-Agency Network on Women and Gender Equality (IANWGE). The aim was to identify trends and opportunities for cooperation in future UN programming. This process contributed to evaluating the adequacy of current programming and funding in terms of coherence and coordination. OHCHR contributed to raising awareness among IANWGE members and NGOs on a rights-based approach to women’s access to land
in the context of the Commission on the Status of Women (CSW) discussions on promoting the rights of rural women.

Human rights analysis and proposals were developed to strengthen the Operational Risk Management Framework of the Global Fund to fight AIDS, tuberculosis and malaria. OHCHR was part of consultations that provided clear recommendations on the implementation of the Global Fund’s human rights strategy which included: (i) the adoption of a human rights policy; (ii) adoption of human rights performance indicators for human rights programming; and (iii) increased human rights knowledge and capacity within the secretariat and governance structure.

OHCHR worked closely with other UN partners in developing the Technical Guidance on the application of a human rights-based approach to the implementation of policies and programmes for the reduction of preventable maternal mortality and morbidity. The Guidance, which was launched in September, provides concrete advice on steps that should be taken by States and other stakeholders to effectively meet their human rights obligations.

Challenges and lessons learned

Gaps in the full and effective implementation of international obligations in the field of non-discrimination and equality continued in 2012.

OHCHR worked to address these gaps through the provision of technical assistance to Member States upon their request, tools and guidance notes and specific workshops, trainings and general advocacy initiatives for the international community.

Reaching international consensus on anti-discrimination issues continues to be a challenge to the work of the Office, although the High Commissioner and her staff aim to address this challenge through advocacy efforts and professional and effective support provided to Member States, mechanisms and treaty bodies.

Issues such as opinion and freedom of religion or belief, as well as other emerging issues will remain at the forefront of international human rights in the years to come. Guided by key human rights instruments, norms and standards, the Office will continue to address all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance worldwide.