



# OHCHR REPORT 2010



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



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## Preamble

**Whereas** recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

**Whereas** disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

**Whereas** it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

**Whereas** it is essential to promote the development of friendly relations between nations,

**Whereas** the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

**Whereas** Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

**Whereas** a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

**Now, therefore,** THE GENERAL ASSEMBLY,  
Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

UNIVERSAL DECLARATION OF

# Human Rights



**Article 1** All human beings are born free and equal in dignity and rights. They should act towards one another in a spirit of brotherhood. **Article 2** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. **Article 3** Everyone has the right to life, liberty and security of person. **Article 4** No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. **Article 5** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. **Article 6** Everyone has the right to recognition everywhere as a person before the law. **Article 7** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. **Article 8** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. **Article 9** No one shall be subjected to arbitrary arrest, detention or exile. **Article 10** Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. **Article 11** 1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. 2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed. **Article 12** No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. **Article 13** 1. Everyone has the right to freedom of movement and residence within the borders of each State. 2. Everyone has the right to leave any country, including his own, and to return to his country. **Article 14** 1. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations. **Article 15** 1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. **Article 16** 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. 2. Marriage shall be entered into only with the free and full consent of the intending spouses. 3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. **Article 17** 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property. **Article 18** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. **Article 19** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. **Article 20** 1. Everyone has the right to freedom of peaceful assembly and association. 2. No one may be compelled to belong to an association. **Article 21** 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right to equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. **Article 22** Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. **Article 23** 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. 2. Everyone, without any discrimination, has the right to equal pay for equal work. 3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. 4. Everyone has the right to form and to join trade unions for the protection of his interests. **Article 24** Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. **Article 25** 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. **Article 26** 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. 3. Parents have a prior right to choose the kind of education that shall be given to their children. **Article 27** 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. 2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. **Article 28** Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. **Article 29** 1. Everyone has duties to the community in which alone the free and full development of his personality is possible. 2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. 3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations. **Article 30** Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



# Foreword by the High Commissioner

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2010 was a year of exceptional challenges for human rights. It began with a humanitarian disaster in Haiti and ended with upheaval in North Africa. Along the way, we saw human rights crises unfold in many parts of the world. With dedicated staff who are always eager and ready to confront new challenges, my Office responded to the growing demands for our work with agility and an unswerving sense of mission. But this has meant a huge strain on our resources and on our endeavours to strengthen results-based management founded on solid planning and work plans.

2011 is proving to be equally extraordinary from a human rights perspective. I have sent teams to Tunisia and Egypt to assess the human rights priorities in these countries in historic transition, assisted Commissions of Inquiry appointed by the Human Rights Council for Côte d'Ivoire and Libya, and established an investigative mission for Syria requested of the Office by the Council.

While meeting new and unexpected developments, we continued to address chronic human rights situations in 2010. We established two new country offices, in Guinea and Mauritania, and the mandates for our offices in Colombia, Bolivia and Nepal were extended. The Mapping Report on the Democratic Republic of the Congo for 1993-2003 was published, and I dispatched a high-level panel to the country to give voice to the victims and survivors of sexual violence and discuss with them better options for justice and reparations for the crimes and harm they suffered.

Building upon our experience of leading local protection clusters in the occupied Palestinian territory, Nepal, Timor-Leste and the Pacific region, we took this role to new levels as the lead for the protection cluster in Haiti and the sub-cluster on human rights in the aftermath of the violence that broke out in the southern region of the Kyrgyz Republic in June. Encouraged by partners who recognized our added value, we have undertaken a comprehensive review to integrate better human rights into overall humanitarian action.

From climate change to the Millennium Development Goals (MDGs), we further strengthened our thematic expertise on human rights. We played a pivotal role in ensuring the incorporation of human rights into the outcome of the MDGs Review Summit in September, in which Member States recognized that human rights are indispensable for the realization of the MDGs, and committed themselves to a wide range of specific human rights actions.

In the second half of the year, during my chairpersonship of the Global Migration Group (GMG), we promoted a human-rights based approach within the UN system and beyond in meeting the rising challenge of migration. A key outcome of this work was a landmark joint statement on the human rights of irregular migrants adopted by the GMG principals.

Along with peace and security and development, human rights form the third pillar of the United Nations. The Office has continued to lead in integrating human rights principles into the work of the UN in the development sector through the newly established human rights mainstreaming mechanism under the UN Development Group (UNDG/HRM). We were also increasingly called upon to engage with UN partners at Headquarters in New York through our new Assistant Secretary-General for Human Rights.

In Geneva, the Human Rights Council review got underway, and I encouraged the Council to be more creative and responsive in addressing both chronic and urgent human rights situations. On Haiti, the Council held a special session in response to a natural disaster for the first time. It held its first urgent debate in May following the Israeli raid on a flotilla of boats on a humanitarian mission to Gaza. A stand-alone interactive dialogue on Somalia was held in September. A special session was held on Côte d'Ivoire to address the violent aftermath of the presidential elections in the country. The Universal Periodic Review process continued with 100 per cent attendance as the first cycle draws to a close. By the end of 2011, all Member States will have gone through their first review. My Office provided technical and substantive support to all of these initiatives.

Two new thematic mandates were established by the Council last year: on the elimination of discrimination of women in law and practice, and on the right to freedom of peaceful assembly and association. This brought the total number of mandates to 41 with 61 mandate-holders, all actively supported by my Office. Standing invitations from States to special procedures increased from 66 to 78. I very much welcome this indication of the growing importance States place on the work of the special procedures.

The human rights treaty body system was also expanded. The International Convention for the Protection of All Persons from Enforced Disappearance came into force on 23 December, triggering the establishment of the tenth treaty body. The system is now almost double the size it was in 2004, but there has been no increase in resources to match this growth. This has prompted me to urge all stakeholders to focus on its future course. I am pleased to note that an intensive process of discussions and consultations has unfolded. I hope to compile the recommendations from this process, with a view to strengthening the treaty body system.

This report reflects my Strategic Management Plan for 2010-2011, which defines our six thematic priorities for the biennium: discrimination; impunity and the rule of law; poverty and economic, social and cultural rights; migration; armed conflict and insecurity; and the human rights mechanisms. It presents progress made towards 11 expected accomplishments. In line with our commitment to strengthen a culture of results within the Office, the report is less about the myriad of activities we undertake every day and more about the results of those activities at the output level. It is considerably shorter than in previous years, but it is complemented by a CD. The printed report presents an overall picture of our work focusing on the six thematic priorities, management, funding and expenditure. The results and outputs discussed in the chapters on the thematic priorities provide an illustrative, but not exhaustive, list of our achievements. The CD gives much more detail about the work of our field presences and the various divisions at headquarters. This is an innovative format that we expect to refine in the coming years.

In 2010, the global economic downturn reached our doorstep. After several years of steady increase, voluntary contributions amounted to US\$109 million, a drop of nine million from 2009. A number of donors, big and small, were forced to reduce their contributions. While I fully understand the constraints they face, it is important to bear in mind that it is the most vulnerable who are disproportionately affected in times of economic hardship and thus in greater need of support in claiming their human rights. I appeal to all Member States for financial support so as to strengthen our capacity in meeting the challenges of this crucial time for human rights around the world.



Navi Pillay  
High Commissioner for Human Rights

June 2011



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# About OHCHR

The Office of the High Commissioner for Human Rights is the leading UN entity on human rights. It has a unique mandate provided by the international community to promote and protect all human rights for all people.

OHCHR provides assistance, such as technical expertise and capacity development in the areas of administration of justice, legislative reform and electoral processes, to help implement international human rights standards on the ground. It also assists other entities that have a responsibility for the protection of human rights in fulfilling their obligations, helps individuals to realize their rights, and speaks out objectively on human rights violations.

The United Nations human rights programme aims to make the protection of human rights a reality in the lives of people everywhere. As the entity in charge of implementing the programme, the Office plays a crucial role in safeguarding the integrity of the three pillars of the United Nations – peace and security, human rights, and development.

A part of the United Nations Secretariat, OHCHR has its headquarters in Geneva, a presence in New York, and staff in regional and country offices, United Nations peace missions or political offices and UN country teams in over 50 countries.

## Method

The Office's work encompasses three broad areas: human rights standard-setting, monitoring and implementation. Substantive and technical support is provided to the various UN human rights bodies as they undertake their standard-setting and monitoring duties. Knowledge and awareness of all categories of human rights – civil, cultural, economic, political and social – are deepened through research and analysis. Experts are also deployed to field offices and other missions, including in circumstances of crisis, to help countries meet their human rights obligations.

### Mandate of the United Nations High Commissioner for Human Rights

General Assembly resolution 48/141 charges the United Nations High Commissioner for Human Rights with "principal responsibility" for human rights in the United Nations, with the mandate:

- To promote and protect all human rights for all
- To recommend to bodies of the United Nations system the improved promotion and protection of all human rights
- To promote and protect the right to development
- To provide technical assistance for human rights activities
- To coordinate United Nations human rights education and public information programmes
- To work actively to remove obstacles to the realization of human rights
- To work actively to prevent the continuation of human rights violations
- To engage in dialogue with governments, with the aim of securing respect for all human rights
- To enhance international cooperation
- To coordinate human rights promotion and protection activities throughout the United Nations system
- To rationalize, adapt, strengthen and streamline the UN human rights machinery

The work of the Office is based on the High Commissioner's biennial Strategic Management Plan (SMP). The current SMP covers the period 2010-2011 and sets out 11 global expected accomplishments. Results obtained as progress towards these accomplishments are summarized in the thematic chapters in the printed version of this report and are also listed under the corresponding field presence or division in the CD. The SMP also identifies eight global management outputs to improve efficiency within the Office. Achievements in this area, along with information on recent and upcoming changes in the Office's management, are explained in the Management chapter on page 72.

## Supporting the bodies and mechanisms

The Human Rights Council, comprising representatives of 47 Member States of the United Nations elected by the General Assembly for fixed terms, is given substantive and technical support by the Office in all areas of its work, including its regular and special sessions, organizational meetings, and the meetings of its subsidiary bodies. Stakeholder meetings, special events, discussions and expert panels also are organized and supported by OHCHR.

OHCHR's staff support the Council's Universal Periodic Review (UPR), which between its first session in April 2008 and ninth in December 2010 reviewed the human rights situation in 143 Member States of the United Nations. The Office organized numerous training events and briefings on the new mechanism around the globe to inform States and other stakeholders of the UPR mechanism and facilitate the preparation of reports. OHCHR also provides substantive and operational support to independent human rights experts known as special procedures, appointed by the Council, in relation to their country visits, reports and other activities.

The Office provides expert support to nine human rights treaty bodies, which are committees of independent experts that consider countries' progress in implementing the requirements of the international human rights treaties they have ratified. Most of these committees also consider individual complaints of violations of treaty provisions. The results of their deliberations contribute to the body of jurisprudence on international human rights law.

## Developing human rights knowledge and awareness

The Office works to ensure the integration of a human rights perspective into development, humanitarian, peace and security, governance and rule of law programmes of the United Nations system. It fosters an approach based on respect for all human rights of individuals and is particularly protective of those who have been the victims of or are most at risk of human rights violations. The work ranges from mapping emerging trends in human rights, addressing problems and documenting good practices, to developing tools and learning packages – all reflecting internal and external expertise. Support and outreach to multiple stakeholders, including Member States, individual rights-holders, civil society, national and



regional human rights institutions, is an integral part of the Office's approach to implementing the High Commissioner's mandate.

### Working in countries

By the end of 2010, OHCHR was running or supporting 54 field presences, with an additional two planned for 2011. In-country presence is essential for identifying, highlighting and developing responses to human rights challenges in close collaboration with governments and the broader United Nations system. This can involve training police, soldiers and judges or helping to draft national laws that are in line with international human rights standards or supporting States with their obligation to implement the recommendations of the mechanisms such as the UPR. In many countries and regions, the Office also works with human rights institutions, academic and research institutions and civil society – charities, advocacy groups and other social justice organizations not linked to government – to strengthen their capacity and effectiveness. Staff are also deployed to rapidly developing humanitarian or other crises and to support fact-finding missions or commissions of inquiry into serious human rights abuses.

### Staff

At 31 December 2010, the Office employed 1,005 staff, of whom 465 (46 per cent) were based in the field, 520 (52 per cent) in Geneva, and 20 (2 per cent) in New York. It also supported some 840 human rights officers serving in 14 UN peace missions or political offices and 16 human rights advisers based in UN country teams in the field.

### Structure

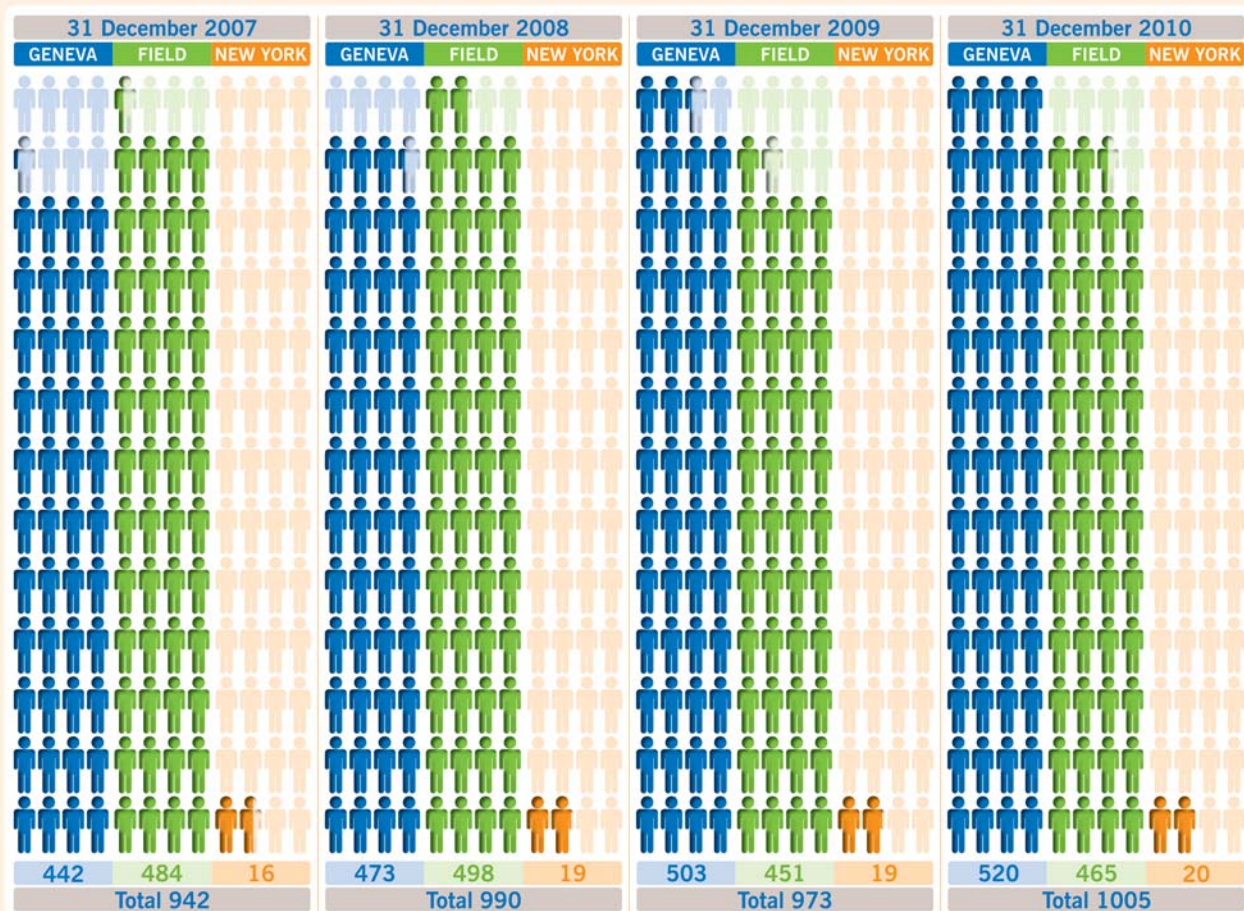
In addition to its headquarters in Geneva, the organization has an office at UN Headquarters in New York and, as of 31 December 2010, 12 regional offices or centres and 12 country or stand-alone offices (see map on pages 10-11). The Office also supports the human rights components of UN peace missions or political offices and deploys human rights advisers to work with UN country teams.

The Geneva headquarters has four substantive divisions: (1) the Research and Right to Development Division, which carries out thematic research on human rights issues; (2) the Human



OHCHR headquarters in Geneva.

### OHCHR staff\* (by year and location)



   = ten staff members

\* Includes international and national staff, in both the professional and general service categories, and national consultants. Excludes international consultants, junior professional officers, interns and UN Volunteers.

Rights Treaties Division, which supports the treaty bodies; (3) the Field Operations and Technical Cooperation Division, responsible for overseeing and implementing the Office’s work in the field; and (4) the Human Rights Council and Special Procedures Division, which provides substantive and technical support to the Human Rights Council, the Council’s UPR mechanism and the Council’s special procedures. Core administrative, planning, coordination and outreach functions are handled by dedicated sections under Executive Direction and Management, reporting directly to the Deputy High Commissioner. In July 2010, a new Assistant Secretary-General for Human Rights took up his functions to head the New York Office. For the current organizational chart, please refer to page 110.

### How OHCHR is funded

OHCHR is funded from the United Nations regular budget, which, in 2010 provided 40 per cent of the resources required to implement the Office’s programme of work, and from voluntary contributions from donors, mainly Member States. The amount of regular budget funding appropriated for use by OHCHR has increased gradually since 2005, when leaders attending the World Summit committed to double the resources available for the Office over five years. For the 2010-2011 biennium, an amount of US\$141.4 million has been allocated to OHCHR, compared with US\$120.6 million in 2008-2009, US\$83.4 million in 2006-2007 and US\$67.6 million in 2004-2005. For more information, please refer to page 78.

The level of voluntary funding for OHCHR’s work has also increased substantially in recent years, rising from US\$52.5 million in 2004 to a peak of US\$119.9 million in 2008 before slipping slightly in 2009 to US\$118.1 million and more sharply in 2010 to US\$109.4 million.

The share of voluntary contributions provided without earmarking has also grown steadily, rising from 20 per cent in 2004 to 56 per cent in 2009 and dropping slightly to 54 per cent in 2010. Please refer to pages 78-87 for more information on funding, and trends and challenges, and pages 276-293 of the CD for the profiles of all donors in 2010.

## How OHCHR spends its budget

Total expenditure, including expenditure under both the regular budget and extra-budgetary spending, edged up in 2010 to US\$193.1 million (compared to US\$158.8 million in 2009). This followed several years of increased spending, as the Office sought to put into effect its plans for an expanded, more operational human rights programme that is more active at country

level. Excluding expenditures associated with the three grant-making humanitarian funds administered by the Office, 51.2 per cent of the total expenditure in 2010 was devoted to fieldwork, principally capacity-building projects and human rights monitoring, and was financed predominantly through voluntary contributions. About 12.6 per cent was spent on thematic research and human rights mainstreaming, 10 per cent on supporting the human rights treaty bodies, and 11.8 per cent on support to the Human Rights Council and its special procedures. The remainder was devoted to programme support (4.9 per cent) and Executive Direction and Management, fundraising and outreach activities (8.7 per cent). Financial accounts for the year 2010 to 31 December and additional information on the breakdown of expenditures and allocation of voluntary contributions, can be found at pages 88-95.

### History of the UN Human Rights Programme

The UN human rights programme has grown considerably since its modest beginnings some 60 years ago. Organizationally, it started with a small division in the UN Secretariat in New York in the 1940s. The division later moved to Geneva and was upgraded to the Centre for Human Rights in the 1980s. At the World Conference on Human Rights in 1993, Member States decided to establish a more robust human rights institution, and later that year the General Assembly adopted a resolution establishing the post of United Nations High Commissioner for Human Rights.

In 1995, the Centre for Human Rights was merged into the Office of the High Commissioner for Human Rights (OHCHR), with a wide-ranging mandate and primary responsibility in the United Nations system for human rights. Twelve years later, at the 2005 UN World Summit, Heads of State from around the world committed themselves to an expansion of the UN human rights programme that recognized the central role and importance of ensuring a human rights approach in all aspects of the work of the United Nations system

as a whole; this also linked the three pillars of the Organization's role - peace and security, development and human rights. The growth in UN human rights activities reflects the increasing strength of the international human rights movement since the General Assembly adopted the Universal Declaration of Human Rights on 10 December 1948. Drafted as "a common standard of achievement for all peoples and nations", the Declaration sets out basic civil, political, economic, social and cultural rights that all human beings should enjoy. Over time, this unprecedented affirmation of human rights has become widely accepted as the standard to which all governments should adhere. Indeed, 10 December is observed worldwide as International Human Rights Day. The Declaration, together with the International Covenant on Civil and Political Rights and its two optional protocols, along with the International Covenant on Economic, Social and Cultural Rights, form the "International Bill of Human Rights."

As international human rights law developed, a number of UN human

rights bodies were established to respond to evolving human rights challenges. These bodies, which rely on the High Commissioner's Office for substantive and logistical support, are either Charter-based (political bodies composed of States' representatives, with mandates originating in the UN Charter) or treaty-based (committees composed of independent experts, established by international human rights treaties and mandated to monitor States Parties' compliance with their treaty obligations). The United Nations Commission on Human Rights, which was established in 1946 and reported to the Economic and Social Council, was the key United Nations inter-governmental body responsible for human rights until it was replaced by the Human Rights Council in 2006. In addition to assuming the mandates and responsibilities previously entrusted to the Commission, the Council reports and recommends to the General Assembly ways of further developing international human rights law. Two years after its first session the Council operationalized the newest international human rights mechanism, the Universal Periodic Review.

# OHCHR at a glance



- Headquarters
- Regional offices/centres
- Country/Stand-alone offices

- Human rights components of peace missions
- Human rights advisers in United Nations Country Teams
- \* Planned for 2011
- \*\* Field presence closed in 2010

\*\*\* Reference to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo

♦ The Human Rights Adviser to the UN Country Team in Guinea was discontinued in 2010





**Countries covered from Regional Offices:**

**Africa**

- East Africa - from Addis Ababa
- Southern Africa - from Pretoria
- Central Africa - from Yaoundé: Sub-regional centre on human rights and democracy
- West Africa - from Dakar

**Americas**

- Central America - from Panama
- South America - from Santiago de Chile

**Asia-Pacific**

- South-East Asia - from Bangkok
- Pacific - from Suva

**Europe and Central Asia**

- Europe - from Brussels
- Central Asia - from Bishkek

**Middle East and North Africa**

- Middle East - from Beirut

Staff numbers are as of 31 December 2010. Map only refers to No. of staff at headquarters, New York office, regional and country offices. Number of staff working with human rights advisers and human rights officers serving in the human rights components of UN peace missions are not indicated.



# Thematic Priorities



# Discrimination

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

## Background

The United Nations works to ensure the recognition of the dignity and worth of the human being without distinction as to race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or other status and the realization of all human rights for all. Guarantees of non-discrimination figure prominently in international human rights standards because ideas of inferiority, inequality, or unwarranted distinctions between individuals are anathema to the notion of a common humanity, which is the basis for these standards.

Discrimination is an attack on dignity. It is grounded in prejudice and bigotry. Laws in some countries, and practice in many, in all regions of the world, still permit or tolerate discrimination, not least against women and girls. Indeed, gender-based discrimination remains one of the most widespread human rights violations. Racial discrimination too, is ever present, despite the attention the United Nations has paid to this violation since its creation. In some regions, it may be growing, and is perhaps linked to patterns of migration. New forms of discrimination continue to surface.

Even where legislation is adequate, ingrained social and cultural prejudice or tradition, intolerance and xenophobia combine to hinder integration and equality initiatives. Especially disturbing is that there is a sense of deepening global polarization along lines of religion or region, even as global economic and political integration proceeds.

Discrimination is itself a violation of human rights and often leads to more violations. Other illegal acts such as killing, torture, and denial of employment, education, health care or fair trial also result from this prejudice. Unless the root cause of intolerance is addressed, human rights will not be respected.





A girl waits to be fitted with a prosthetic leg in Haiti. OHCHR advocates for the end of discrimination against persons with disabilities.

## OHCHR's role

Dealing with the issue of discrimination is a vital part of OHCHR's work. Through studies and the development of methodological tools, technical assistance at country and regional levels, substantive and technical support to human rights mechanisms and awareness-raising activities, the Office has become a hub for anti-discrimination activities. Particular attention is given to racial discrimination, women's rights and gender issues, minorities, and indigenous people.

In addition to supporting mechanisms focused on the elimination of discrimination, OHCHR is also responsible for implementing actions identified in the Durban Declaration and Programme of Action (DDPA) of 2001, and the 2009 Outcome Document of the Durban Review Conference.

The following are examples of our work in this area in 2010.

### National laws, policies and institutions

*EA1 - Increased adoption or revision of national anti-discrimination legislation and administrative measures in compliance with international norms and standards in the area of anti-discrimination, in particular the International Convention on the Elimination of All Forms of Racial Discrimination*

Non-discrimination, together with equality before the law and equal protection of the law without any discrimination are basic legal principles that

underpin the protection of all human rights. The Universal Declaration of Human Rights (UDHR) and the international human rights treaties set out State obligations to eradicate discrimination. OHCHR works with countries as they seek to translate these obligations into national laws, regulations, policies and institutions. It engages with governments, legislators and civil society in order to raise awareness of international standards, and provides advice on the drafting or revision of legislation.

### Racial discrimination

For example, in 2010 OHCHR provided technical assistance for the development of national action plans against racial discrimination in Benin, Bolivia, Costa Rica and Uruguay and, as a result, the national capacity to design public policies to promote racial equality was strengthened in these countries. OHCHR also organized a training of governmental officials and civil society representatives of Anglophone African countries on the design and implementation of national action plans in Addis Ababa, Ethiopia.

In Albania an anti-discrimination law was drafted with the assistance of the Human Rights Adviser provided to the UN Country Team by OHCHR, the Organization for Security and Cooperation in Europe (OSCE) and civil society. The Law was adopted by Parliament and conformed to relevant UN and European Commission standards. In the Republic of Moldova, the Government circulated a draft anti-discrimination bill in August for comments. The Human Rights Adviser coordinated the UN's comments on the draft bill, and the Ministry of Justice expressed its commitment to incorporating these. The bill is expected to be approved in 2011. In Bolivia, OHCHR provided advice on a law against racism and all forms of discrimination. Concerns remain regarding some restrictions to freedom of expression that will need to be adjusted to bring it in line with international norms. In the former Yugoslav Republic of Macedonia, OHCHR also commented on the anti-discrimination law adopted in 2010 to bring it in conformity with human rights norms. OHCHR will continue to work with these countries and any others requesting assistance so that laws fully comply with international human rights norms and standards.

### Indigenous Peoples

Advancing the legal framework to enhance the rights of marginalized groups such as indigenous peoples continues to be a challenge. OHCHR supported mechanisms dedicated to human rights concerns of indigenous peoples, including the Special



Indigenous communities from north-western Guatemala gathered during the official visit of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.



Celebration of Human Rights Day in Freetown, Sierra Leone.

Rapporteur on indigenous peoples and the Human Rights Council's Expert Mechanism on the rights of indigenous peoples. The Expert Mechanism's annual session in July 2010 brought together hundreds of government and indigenous representatives, as well as other experts, to discuss the right to participate in decision-making, and thereby advance the implementation of the UN Declaration on the Rights of Indigenous Peoples.

Some encouraging developments took place in 2010. In Ecuador, a law on indigenous and general justice systems was drafted in compliance with human rights standards after technical advice was provided by the Special Rapporteur on indigenous peoples. The draft Law will be presented to the Minister of Justice and the National Assembly in 2011. In Mexico, a legislative initiative on indigenous peoples' right to consultation and the process of free, prior, and informed consent is pending in the Federal Congress.

In the Republic of the Congo, the Office supported the drafting of Africa's first law on indigenous peoples, adopted in December 2010, and advocated for a visit of the Special Rapporteur, which was part of the background to the adoption of the Law. This Law reflects the principles of the United Nations Declaration on

the Rights of Indigenous Peoples. It is considered by many the most progressive national law on indigenous peoples on the African continent.

In 2010, OHCHR convened consultations in Latin America with indigenous peoples and relevant authorities on draft guidelines for the human rights of indigenous peoples in voluntary isolation, resulting in a revised draft. It also analyzed the human rights situation of indigenous people in Central America, with the full participation of, and in consultation with, many indigenous groups.

#### **Discriminatory laws against women in law and practice**

In October 2010, the Human Rights Council adopted a resolution establishing a five-member expert Working Group on the issue of discrimination against women in law and practice for three years. The resolution calls on States to fulfill their obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account that those laws violate their human right to be protected against discrimination. A study presented by the High Commissioner to the Council facilitated the adoption of this resolution.

## Persons with disabilities

The rights of persons with disabilities have long been unrecognized or denied. OHCHR has significantly increased its work on the rights of persons with disabilities since the adoption of the Convention on the Rights of Persons with Disabilities (CRPD). In addition to supporting the Committee on the Rights of Persons with Disabilities and technical cooperation and research undertaken at headquarters, over 20 human rights field presences currently promote the rights of persons with disabilities, including by focusing on law and policy reform.

For example, in Cameroon, with support of the Regional Office for Central Africa, a national law to protect the rights of persons with disabilities was adopted in April 2010; ratification of the CRPD is expected. Similarly, in Sierra Leone, a disability bill was tabled in Parliament and consensus was reached. The Human Rights Component of the UN Integrated Peace-Building Mission in Sierra Leone (UNIPSIL) provided technical support to civil society organizations during consultations and advocated for the enactment of the bill, which is currently at the legislative committee for final review.

The Uganda Office supported incorporating the CRPD into domestic law through training Government and civil society partners and advocacy. The Colombia Office has, in addition to advocating for ratification, begun preparation of a study on the institutional and normative modifications required on the CRPD's entry into force at the national level. The Human Rights Adviser in Albania worked with UNDP to set up a programme to support the Government and civil society in the process of law reform and institution-building necessary for ratification of the CRPD. The Human Rights Adviser in the South Caucasus, together with UNICEF, supported the Ministry of Education and Science in its work to encourage amendment of the Law on General Education in order to harmonize it with the CRPD. The Cambodia Office has supported law reform in Cambodia to ensure consistency with the CRPD. The Human Rights Adviser in Papua New Guinea supported the adoption of a National Disability Policy. The Regional Office for South-East Asia has worked with the UN Economic and Social Commission for Asia and the Pacific on harmonizing national legislation in 10 countries with the CRPD.

## Sexual orientation

Discrimination against individuals on the basis of their sexual orientation or gender identity is a serious human rights concern in many countries. Examples include discriminatory laws and policies governing access to

basic services, such as health care and housing, and, in more than 70 countries, laws criminalizing homosexuality and/or transgenderism. Homophobic and transphobic attitudes remain deeply entrenched and unchallenged in some societies, reinforcing stigma and discrimination and contributing, in some cases, to targeted violence, sexual assault, rape and killings. The High Commissioner has consistently voiced her concern in this context in public statements and in dialogue with governments. OHCHR staff supporting the special procedures and field presences, many of which are located in countries where discrimination against LGBT persons is systematic, also work to address these issues. OHCHR provides substantive technical support and advice to governments, parliaments, national and human rights institutions in relation to legislative reforms and also works at country level with civil society organizations which defend the human rights of LGBT persons.

## Ratification

*EA2 - Increased ratification of human rights treaties with discrimination-related provisions and review of reservations related to non-discrimination provisions in these treaties*

OHCHR encourages the ratification of international treaties as the first step in holding States accountable to their human rights obligations.

On 23 December the European Union ratified the CRPD, thus becoming the first regional organization to ratify a UN human rights treaty. The CRPD was also ratified by Armenia, Bosnia and Herzegovina, Canada, Ethiopia, France, Latvia, Lithuania, Malaysia, Maldives, Mauritius, Nepal, Nigeria, Republic of Moldova, Sierra Leone, Slovakia, Ukraine, United Arab Emirates and Zambia. St Vincent and the Grenadines acceded to the Convention, while Bhutan and Grenada signed. In most of these cases, OHCHR advocated for ratification through targeted actions and provided critical legal advice.

The Optional Protocol to the CRPD was ratified by Honduras, Nicaragua, Turkmenistan and St. Vincent and the Grenadines.

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by Cambodia.

The Transitional Federal Government of Somalia signed the Convention on the Rights of the Child (CRC). On 25 May 2010, on the 10<sup>th</sup> anniversary of the adoption of the optional protocols to the CRC by the General Assembly, the Office launched a



two-year ratification campaign aimed at achieving universal ratification by 2012, the year marking the 10<sup>th</sup> anniversary of their entering into force. The Optional Protocol to the CRC on the Involvement of Children in armed conflict was acceded to by the Seychelles and signed by Ethiopia. Thailand withdrew its reservation to article 7 of the CRC.

Canada, New Zealand and the United States officially endorsed the UN Declaration on the Rights of Indigenous Peoples.

### Justice and accountability mechanisms

*EA3 - Increased number of justice and accountability mechanisms established and functioning in accordance with international human rights standards to monitor, investigate and redress civil, cultural, economic, political and social human rights violations related to discrimination*

OHCHR assists States to establish and strengthen national human rights institutions (NHRIs) and other mechanisms through which individuals can submit and address complaints and hold States accountable for the implementation of their human rights obligations.

In Nepal, OHCHR partnered closely with the National Dalit Commission (NDC), a national institution dedicated to combating discrimination on the basis of caste. OHCHR and the NDC conducted joint monitoring missions and interventions which prompted several landmark court judgments on caste issues. OHCHR supported the drafting of legislation strengthening the prohibition of “untouchability” and putting the NDC onto a legal footing.

In Tanzania, the Commission for Human Rights and Good Governance was able to conduct investigations into human rights violations, including those committed against the albino community. Significant improvements were observed in the Commission on Discrimination and Racism and the Office for the Defence of Indigenous Women in Guatemala, with the incorporation of international human rights standards into their strategic investigation and follow-up on cases related to racism and discriminatory practices. The National Commission on the Rights of the Child in Timor-Leste held nationwide consultations with children aged six to 18 and with the Youth Parliament and sponsored events to advocate for children’s rights. There was strong participation of Government and political actors in these activities.

The Office supported these efforts through advice and advocacy efforts. OHCHR strengthened the

capacity of several NHRIs around the world, and encouraged them to integrate HIV into their work against discrimination, including through *The Handbook on HIV and Human Rights for National Human Rights Institutions*, published by OHCHR and UNAIDS.

Around 50 countries impose some form of restriction on entry, stay or residence based on people’s HIV status alone. Such laws are discriminatory, contrary to sound public health principles and hamper universal access to HIV prevention, treatment, care and support. OHCHR, together with other parts of the United Nations, have called for the repeal of such laws as they disproportionately affect the enjoyment of human rights by people living with HIV. Such efforts have led to the repeal of these restrictions in some countries including China, Namibia and the United States.



People join a rally in support of human rights for people affected by AIDS during the World AIDS Conference in Vienna, July 2010.

## Access to justice and basic services

*EA4 - Increased number of measures taken to improve access to justice and basic services of those affected by discrimination, particularly women, and with regards to the right to education*

The Office works with stakeholders to develop non-discrimination indicators. From 3-5 May 2010, United Nations experts, academia, human rights institutions, national statistical institutions, representatives of Governments from Latin America and the Caribbean and indigenous peoples and African-descendant communities met in Rio de Janeiro, Brazil, to discuss data collection and the use of indicators to promote and monitor racial equality and non-discrimination in the region.

The seminar highlighted the fact that the number of Afro-descendants and indigenous people has frequently been underestimated in national censuses as a result of social exclusion dating from the colonial era. One of the purposes of this workshop was to raise awareness among national statistics institutions of the need to include ethnic data variables in the region-wide 2010 round of census. Argentina, Brazil and Ecuador were among the countries who sought to collect information on the socio-demographic characteristics of these groups, in order to monitor their human rights situation more fully.

Governments and human rights organizations in Ecuador, Kenya, Mexico, Nepal and the United Kingdom as well as the EU's Fundamental Rights Agency have increasingly adopted programmes for developing and using indicators on human rights to improve national censuses and statistics on racial equality and non-discrimination, drawing on OHCHR's methodology on human rights indicators.

Persons most affected by social exclusion need particular support in order to access justice and basic services. The Human Rights Adviser in Rwanda provided technical assistance to legal aid clinics through the Ministry of Justice. These clinics provide legal advice to the population at community level, especially children and vulnerable women. In Mexico, the National Institute for Indigenous Languages officially launched a national roster of interpreters of indigenous languages. The roster, which will be accessible to judges and other justice system officials, was created to fight discrimination against indigenous people in the justice system.

In Guatemala, the Office helped empower civil society organizations to use strategic litigation by

providing training and tools to Guatemalan NGOs working on the defence of indigenous peoples' rights. The first 12 NGOs with which OHCHR interacted have already filed complaints relating to 12 cases. Specialized training to legal staff in the Presidential Commission on Discrimination and Racism against Indigenous People and the Office for the Defence of Indigenous Women has contributed to the strengthening of the capacities of these institutions regarding the investigation and prosecution of cases related to discrimination against indigenous peoples and women.

In Burundi, the Human Rights Component of BINUB, in cooperation with UNICEF, UNFPA, WHO and WFP, is establishing a one-stop care centre for victims of gender-based violence. The centre will provide victims with shelter and medical, psychosocial and legal services.

Through the Voluntary Trust Fund on Contemporary Forms of Slavery, OHCHR also provided direct assistance of US\$ 726,000 to 25,611 victims of contemporary forms of slavery in 45 countries through 63 projects.

## Participation

*EA5 - Increase in use by individuals facing discrimination of existing national protection systems and their meaningful participation in decision-making processes and monitoring of public policies*

Participation in elections and decision-making processes is essential for the exercise of human rights. In Afghanistan, women have increasingly participated in political processes aimed at restoring peace and economic prosperity in the country. OHCHR/UNAMA worked to ensure that in all such political processes, women themselves participated and that women's rights were on the agenda of all discussions. OHCHR/UNAMA supported and promoted Afghan women's representation in the September parliamentary elections and at the June National Consultative Peace *Jirga* (in which 300 women made up 25 per cent of the participants) and at the July International Kabul Conference. In Cameroon, as a result of advocacy and lobbying by Sightsavers and the Office, there was a significant focus on facilitating the participation of persons with disabilities in the 2011 presidential elections.

In Bolivia, the Office supported the Vice-Ministry of Indigenous Justice's consultation on a bill on



Cambodian civil society celebrates Human Rights day in Phnom Penh, December 2010.

jurisdictional boundaries between the general and indigenous justice systems. OHCHR also partnered with the Inter-Parliamentary Union to organize a global conference in Chiapas, Mexico, aimed at strengthening the participation of indigenous peoples and minorities in parliaments. More than a hundred parliamentarians and other participants agreed on the Chiapas Declaration which contains concrete measures to improve the representation of minorities and indigenous peoples in legislatures.

In societies where a tradition of peaceful, participatory mechanisms is absent, OHCHR works with young people so that they acquire the knowledge and skills necessary to contribute to the strengthening of national protection systems. In Togo, for example, OHCHR's election support project was directed mainly to sensitizing young people to the benefits of non-violence and women to the benefits of active participation in the electoral process. The project included discussions with local authorities, political party leaders, traditional chiefs and other opinion leaders on their roles and responsibilities in electoral processes, the equitable treatment of all candidates and the civic conduct required of them in order to protect human rights.

## Engagement with human rights mechanisms

*EA7 - Increased number of victims of discrimination, and national human rights institutions acting on their behalf, using the Human Rights Council and its subsidiary bodies, special procedures and treaty bodies to promote equality and non-discrimination*

OHCHR plays an important role in providing guidance and training for victims of discrimination, civil society organizations and NHRIs in the use of the UN human rights machinery. Training delivered by the Human Rights Adviser in Albania, along with UNIFEM/UN Women, helped civil society organizations to improve their knowledge of the Optional Protocol to CEDAW, and developed their capacity to use its individual complaint mechanism.

In Serbia, a working group, including more than 10 organizations of persons with disabilities, on the drafting of the initial report on the implementation of the CRPD was established. In Panama, indigenous peoples' and Afro-descendants' organizations presented joint submissions to the Universal Periodic Review (UPR) and communications to special procedures.

### Nelson Mandela International Day

In November 2009, the General Assembly declared July 18, Nelson Mandela's birthday, as 'Nelson Mandela International Day' to be observed annually.

In taking this decision, the General Assembly recognized Mandela's outstanding contribution to the creation of a non-racial, non-sexist, democratic South Africa. It also acknowledged his dedication to the service of humanity, as a humanitarian, in the fields of conflict resolution, race relations, promotion and protection of human rights, reconciliation, gender equality and the rights of children

and other vulnerable groups, while also uplifting poor and underdeveloped communities.

Nelson Mandela was described as one of the greatest moral and political leaders of our time; an international hero whose lifelong dedication to the fight against racial oppression in South Africa won him the Nobel Peace Prize, the presidency of his country and international acclaim and respect as a vital force in the fight for human rights and racial equality.

18 July 2010 marked Nelson Mandela's 93<sup>rd</sup> birthday. He

dedicated 67 of those years to the struggle against apartheid in South Africa, 27 of them spent in prison. Through the Mandela Day initiative, individuals are called on to contribute 67 minutes of their day on 18 July to the cause of making the world a better place and, further, to make everyday their Mandela Day.

In the words of UN Secretary-General Ban Ki-moon: "Nelson Mandela is a towering figure. He embodies the highest values of humanity and of the United Nations."

Since its establishment in 1985, the Voluntary Fund for Indigenous Populations has provided support to more than a thousand representatives of indigenous peoples, thereby ensuring that the voices and concerns of indigenous peoples are heard at the United Nations. In 2010, following efforts to increase the diversity of applicants, a greater number of applications were received from underrepresented countries and regions, and 101 travel grants amounting to US\$ 412,524 were awarded to representatives of indigenous communities and organizations to attend the ninth session of the Permanent Forum on Indigenous Issues and the third session of the Expert Mechanism on the Rights of Indigenous Peoples.

A directory of past beneficiaries of the Fund was developed to enhance the effectiveness of the secretariat and track the performance of the grantees. Similarly, a network of beneficiaries was established to share best practices and allow beneficiaries to build upon each others' experiences. Human rights training sessions for Fund grantees were organized prior to the sessions of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples in order to increase their capacity to participate in these mechanisms effectively. Following their participation in the sessions of the Permanent Forum and the Expert Mechanism, indigenous peoples launched new projects with cooperation agencies and NGOs, opened dialogue with their respective governments and national

institutions, and followed up on recommendations made by the special procedures mandate-holders and the treaty bodies.

The fellowship programme organized by OHCHR for minorities (in Arabic and English) and indigenous peoples (in English, French, Russian and Spanish) strengthened the capacity of 35 fellows to use human rights protection systems in addressing the concerns of their communities.

The Office also facilitated interaction among those at risk of discrimination through the Forum on Minority Issues, the Social Forum, the Working Group on People of African Descent, and the Expert Mechanism on the Rights of Indigenous Peoples.

The Forum on Minority Issues, established by the UN Human Rights Council (HRC) in 2007, is guided by the Independent Expert on minority issues and aims to provide a platform for dialogue and cooperation on matters of concern to national or ethnic, religious and linguistic minorities. In December 2010, the Forum focused on minorities and effective participation in economic life. The views of participants from minority communities were given high priority and minority actors in the field of economic rights from all regions attended. Over 500 individuals were accredited to participate, including delegates from over 60 States and over 100 NGOs. Some 25 minority participants were funded by OHCHR to take part in the Forum as experts.

## Responsiveness of the international community

### *EA10 - International community, increasingly responsive to situations characterized by discrimination against individuals and groups*

The early warning and urgent action procedure established by CERD continues to consider a growing number of cases of discrimination suffered by indigenous peoples and minorities around the world. Last year CERD considered: Aboriginal legal aid in Australia; ancestral lands and access to natural resources and livelihoods for indigenous peoples, people of African descent and minorities in Botswana, Brazil, Cameroon, Chile, Colombia, Costa Rica, India, Niger, Papua New Guinea, Paraguay, Peru, the Russian Federation, Tanzania and the United States of America; discrimination against Roma minorities in the United Kingdom and Slovakia; discrimination in housing rights against the Uzbek minority in Kyrgyzstan and alleged military action against the Hmong people in Laos.

Under this procedure, a decision was taken on Nigeria concerning attacks against and killings of a large number of persons in the context of tensions between ethno-religious groups (March 2010). In August 2010, CERD urged the Government of Kyrgyzstan to, among others, ensure the protection of all its citizens from ethnic hatred and to pay due attention to possible discrimination on ethnic grounds in various areas e.g. employment and education.

Six special procedures mandate-holders expressed concern over the immigration law enacted last year by the State of Arizona, United States of America, that allowed police action targeting individuals on the basis of their perceived ethnic origin, and at another Arizona law that prohibited school programmes featuring the histories and cultures of ethnic minorities.

One of the most significant thematic studies produced by the Office in 2010 focused on the issue of maternal mortality and morbidity. The study prompted a joint statement by 108 countries

in the Human Rights Council requesting the High Commissioner to present it to the Millennium Development Goals Review Summit in September. The Council subsequently requested OHCHR to prepare a second report on good and effective practices to prevent maternal mortality and morbidity for September 2011. This request was supported by 96 co-sponsors, indicating that the international community is increasingly responsive to this issue.

The Office also deals with forms of discrimination that are not explicitly addressed by existing international human rights instruments, such as age-related discrimination and the human rights of older persons. In December 2010, the General Assembly established an Open-ended Working Group relating to the rights of older persons for the purpose of strengthening their human rights. The principles and guidelines on the elimination of discrimination against persons affected by leprosy and their family members offer specific guidance on this form of health-related discrimination and stigma. These principles were adopted by the HRC in September and a resolution was passed by the GA on the same subject in December. OHCHR contributed by providing substantive support to the work of the Advisory Committee of the HRC throughout the drafting process.

The Office continued to provide substantive and technical support and advice to the Durban follow-up mechanisms and to implement activities foreseen in the Durban Declaration and Programme of Action and the Durban Review Conference Outcome Document, as well as to facilitate other seminars and panels on a range of racial discrimination-related topics.

Work commenced on preparations for four regional workshops on the prohibition of incitement to hatred, to be held in 2011. Four consultants have submitted regional studies on relevant legislation, jurisprudence and policies with input from Member States, UN agencies, regional organizations, national human rights institutions (NHRIs) and civil society.

### International Year for People of African Descent

In 2009 the General Assembly proclaimed 2011 to be the International Year for People of African Descent, citing the need to strengthen national actions and international cooperation to ensure that people of African descent fully enjoy economic, cultural, social, civil and political rights.

While launching the Year on Human Rights Day 2010, UN Secretary-General Ban Ki-moon recalled that people of African descent are among those most affected by racism, steeped in a long and a terrible history of fundamental wrongs and the denial of basic rights.

“The international community has affirmed that the transatlantic

slave trade was an appalling tragedy not only because of its barbarism but also because of its magnitude, organized nature and negation of the essential humanity of the victims”, he said. “Even today, Africans and people of African descent continue to suffer the consequences of these acts”, he added, calling for their full integration into social, economic and political life and at all levels of decision-making. “The international community cannot accept that whole communities are marginalized because of the colour of their skin.”

OHCHR has prepared a framework for action to combat discrimination against people of African Descent

that includes activities the Office engages in regarding people of African descent. The activities will be carried out to mark the International Year and also set in motion an ongoing, coordinated programme to combat discrimination against this population group beyond 2011. The activities include working with partners to promote the year through seminars, and cultural events aimed at raising awareness about the contribution that African descendants have made to global development, while recognizing the obstacles that must still be overcome.

## Human rights mainstreaming within the United Nations

*EA11 - Increased integration of equality and non-discrimination standards and principles into UN policies and programmes with respect to development, humanitarian action, peace and security, and economic and social issues*

OHCHR works with a broad range of UN partners to address human rights concerns. The Human Rights Adviser in Albania worked with UN partners to promote a continued focus on a human rights-based approach. The One UN common country programming document, to be adopted in 2011, is expected to be largely rights-based, much as a result of the Adviser's contribution to the drafting process. In Mauritania, anti-discrimination and women's rights have been made priorities for the UNDAF period 2010-2015 and have been incorporated in UNDAF programmes. In Rwanda, a joint Gender and Human Rights Mainstreaming checklist for the UNDAF thematic groups was developed by the Gender Task Force and the Human Rights Task Force.

The Consultative Committee of Indigenous Peoples and Afro-descendants in Nicaragua, which was strengthened and coordinated by the Human Rights Adviser in the country, met regularly to discuss issues such as the dissemination and implementation of International Labour Organization (ILO)

Convention 169 and the incorporation of stakeholders' concerns in the mid-term review of the UNDAF. The Regional Office for Central America fostered the creation of a regional consultative mechanism for the UN with indigenous peoples. This mechanism, which includes participation by indigenous women, is aimed at enhancing the ability of indigenous peoples to claim their rights and facilitating the drafting of a joint regional plan of action.

Finally, OHCHR promotes non-discrimination in inter-agency discussions so that there is a cohesive approach and a stronger response. For example, the Office co-chairs, with UN Women, the UN Evaluation Group (UNEG) Task Force on integrating gender equality issues and the human rights dimension in all UN evaluations. The Task Force has prepared a UNEG handbook, to be released during 2011, on the integration of human rights and gender issues into all UN evaluations.

The UNDP launched *Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit* on 26 May 2010. This publication is the result of a comprehensive consultative and drafting process, initiated by the Independent Expert on minority issues and led by a task force composed of leading policy advisers from all UNDP practice areas, regional bureaus, Regional Service Centres, country office practitioners, the Independent Expert and OHCHR staff.

The rights of indigenous peoples were advanced through the signature of a memorandum of understanding with ILO and UNDP on a new inter-agency framework entitled the “UN Indigenous Peoples Partnership”. A multi-donor trust fund set up in this context will support targeted interventions developed in close partnership with indigenous communities.

## Challenges and lessons learned

Prejudices and intolerance are often deep-rooted and need to be confronted head-on, without compromise at the international and national levels. The international human rights normative framework against discrimination is robust, but implementation is often weak. National legislation that conforms with international human rights law

as well as specific action plans to clarify obligations and enhance cooperation among State agencies are needed.

At the international level, building consensus regarding the need to address discrimination in all its forms is particularly important. It is vital to honour the commitments in framework documents such as the Durban Declaration and Programme of Action (DDPA) of 2001, and the 2009 Outcome Document of the Durban Review Conference, particularly in the context of operationalizing the Durban mechanisms.

Inter-agency initiatives addressing particular forms of discrimination, such as that against minorities, indigenous peoples, or persons living with HIV/AIDS are important. OHCHR is committed to continue working with other partners in this field to make a difference in the lives of those facing discrimination.

# Impunity and the rule of law

## *Combating impunity and strengthening accountability, the rule of law and democratic society*

### Background

The rule of law is the bedrock of the legal protection of all human rights, whether they are civil, cultural, economic, political or social rights. For the United Nations system, the rule of law is a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.

Where the rule of law collapses, violent conflict erupts. Mass killings, disappearances, torture, arbitrary detention, destruction, sexual assault, rape, displacement, fear, hunger, and trauma follow. Establishing effective mechanisms to ensure that perpetrators of such violations will not go unpunished is an important step in restoring the rule of law in the aftermath of conflict.

Impunity is often the main obstacle to upholding the rule of law. Human rights are reduced to a mockery when acts such as torture or rape go unpunished, when amnesty laws exempt perpetrators from responsibility, when inquiries into excessive use of force produce little results, when court decisions providing remedies and redress for victims are not enforced and when economic, social and cultural rights cannot be attained through a judicial process.

### OHCHR's role

OHCHR engages in dialogue with States on the best ways to achieve legal protection of human rights and accountability for violations. At the country level, efforts focus on dialogue with governments, institutions concerned with the administration of justice, law enforcement agencies, national human rights institutions (NHRIs) and civil society organizations to promote principles of accountability

Women in North Darfur marching to demand the end of gender-based violence.





and the rule of law, to share examples of best practice and to provide technical advice.

At the global level, OHCHR supports the development of relevant international norms and standards, and collects good practices, elaborates guidance tools, and carries out capacity-building activities. It also supports human rights mechanisms in their efforts to enhance legal protection of human rights and accountability. The Office has assumed a lead role within the UN system on transitional justice and chairs the working group on protecting human rights while countering terrorism of the Counter-Terrorism Implementation Task Force established by the Secretary-General.

OHCHR is dedicated to seeing the end of impunity and strengthening the rule of law; the following are some of the results it contributed to in 2010.

### National laws, policies and institutions

#### *EA1 – Increased number of democratic institutions engaged in issues related to combating impunity*

On matters of rule of law and constitution-making, OHCHR continues to advocate for strengthened legislation and provisions with regard to human rights. Following such advocacy, the European Commission proposal for a directive on the right to information in criminal proceedings included a “non-regression clause” according to which a directive should not be interpreted as lowering higher standards that may be binding on Member States, in this case ICCPR standards.

In Mexico, the Federal Senate approved a constitutional reform that takes into account proposals made by the Office. The reform includes 11 articles on human rights and recognizes international human rights treaties as national law. The reform is currently pending the approval of the Federal Congress.

Cambodia began using an implementation guide for the Law on peaceful demonstration (adopted in late 2009) that had been drafted by the Government in consultation with the East West Management Institute, civil society and OHCHR-Cambodia.

Recognizing that data, its collection and compilation are essential in the quest to realize human rights, OHCHR has developed a framework which promotes a common approach to the identification of indicators for the monitoring of civil, cultural, economic, political and social rights. This framework makes precise and up-to-date data available, thereby

assisting States to assess progress in human rights implementation and capacity-building.

Using OHCHR’s methodology, OHCHR-Mexico, in collaboration with the National Institute of Statistics and the National Human Rights Commission, designed and formulated indicators on the rights to health, education, freedom of expression and opinion, life, liberty and security. Mexico City’s Government also enacted a Human Rights Plan Law. This Law, currently being implemented through the Mexico City Human Rights Programme, emphasizes the inclusion of a gender and human rights perspective in the City’s public policies and budgets.

With the same methodology, indicators on the right to a fair trial have been adopted by Mexico City’s Court of Justice. Twelve out of 14 analytical documents submitted by OHCHR-Mexico to the Mexican Courts were included in decisions and/or judicial debates. As a result, Supreme Court rulings incorporating international human rights standards increased both in number and quality. In October 2010, the President proposed a bill which would exclude from military jurisdiction cases of grave human rights violations such as torture, forced disappearance and rape. While this is a positive step, the Office recommended that Congress broadens the reach of the initiative to include all human rights violations.

An independent and fair judiciary is at the heart of the rule of law. In Haiti, seven courts and tribunals across the Western and Artibonite departments became operational again, with technical advice provided by OHCHR, in partnership with UNHCR.

In Ecuador, the Ministry of Justice elaborated a strategic plan for implementing the new Organic Code of the Judiciary in accordance with human rights standards. The Human Rights Adviser supported the process by advising on an organizational model for the Judicial Council, as the Government administrator of the judiciary, and a system for judicial education.

Trials in Timor-Leste increasingly complied with human rights standards. The Human Rights and Transitional Justice Section monitored several trials, including one related to the assassination attempts on the President and Prime Minister, and all cases proceeded in compliance with most basic international fair trial standards.

As the judicial process runs its course, police and other security agents must fulfill their duties in detaining suspects without abusing their position of



authority. OHCHR works with States to support this process. In Ecuador, a regulation on the use of force and firearms by the police, incorporating applicable human rights standards, was developed and adopted by the Ministry of Interior. In Timor-Leste, progress was made towards improving the accountability of national police officers. Disciplinary mechanisms improved because a wider range of possibilities for case referrals was adopted. In Lebanon, the code of conduct for police finalized in 2010 will provide the basis for future trainings and activities.

Among the most important mechanisms to ensure the compliance of States with their human rights obligations are the NHRIs, along with ombudsmen's offices. Their mandate can include advising a government on its international obligations, reviewing legislation and administrative practices, monitoring the national human rights situation, and responding to human rights violations. These institutions act as an important bridge within society as well as with regional and international fora. The effective functioning of an NHRI, as spelled out in the Paris Principles, requires independence, pluralism, accessibility and functional autonomy. The Office works with States to strengthen the mandate and capacity of these institutions and ensure they are

adequately funded. With support from OHCHR, institutions were established or strengthened in 52 countries, including in Afghanistan, Cameroon, Bahrain, Burundi, Chile, Haiti, Kosovo<sup>1</sup>, Liberia, Oman, the Russian Federation, Serbia, the former Yugoslav Republic of Macedonia, Timor-Leste and Uruguay.

OHCHR provides advice on electoral laws and procedures and assists in observing UN-supported electoral processes. In 2010, fifty years of independence were marked in 22 African States by crucial electoral processes. As citizens of these States went to the polls, OHCHR presences on the continent monitored the human rights situation during elections in several of these countries.

The long-awaited presidential polls in Côte d'Ivoire, which had been postponed six times since 2005, saw an estimated 85 per cent of voters turn out, the majority of whom were women. The Human Rights Division of the UN Operation in Côte d'Ivoire (ONUCI) organized a series of workshops promoting human rights during the electoral process, with a particular emphasis on the protection of women and girls in rural areas.

<sup>1</sup> Reference to Kosovo should be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo

In Guinea, while the first round of the presidential elections in June 2010 was predominantly peaceful, tensions between the two remaining candidates and disputes over the leadership of the Electoral Commission jeopardized the organization of the second round. At least four civilians were killed and scores injured during clashes between the candidates' supporters and security forces in the capital Conakry between 15-17 November. Other human rights violations linked to the organization of the elections were also reported by staff of the newly-established OHCHR Office in Guinea. In the run-up to the polls, OHCHR-Guinea helped train 175 human rights monitors operating across the country. The Office also engaged in conflict prevention activities, including holding talks with both presidential candidates and their teams and providing human rights training for security forces and youth groups. Staff worked closely with NGOs and other local partners throughout the country to monitor the human rights situation before, during and after the elections. The UN Human Rights Office also expressed concern at the manner in which Guinea's security forces had quelled supporters' demonstrations both in October and November 2010.

The joint UNDP-OHCHR Togo Office programme directed towards non-violent presidential elections in March 2010 was a marked success. The Office remained in close consultation with the authorities of the country, assisted with the training of the security forces and devised a comprehensive human rights promotion programme. The presence of the Office throughout the country through its six sub-offices and its networks proved to have a preventive effect and was expressly appreciated by the Government. By the end of October, no more election-related detentions were noted.

OHCHR recognizes the importance of training personnel involved in electoral processes, including police and other security agents. To this end, the Office assisted in the elaboration of training material for police in Ecuador, Liberia, Sierra Leone and the Sudan, and for defence lawyers in Georgia.

OHCHR also contributed to the UN-wide policy on democracy and to the development of UN-coordinated policies and actions to enhance national efforts for combating democratic deficits and for strengthening democratic institutions. In this context, in 2010, OHCHR conducted several training seminars for parliamentarians in various regions with a focus on their oversight and legislative role with regard to the protection and promotion of human rights.

## Ratification

The ICCPR was ratified by Pakistan and Guinea-Bissau, and the Second Optional Protocol to the ICCPR on the death penalty was acceded to by the Kyrgyz Republic and signed by Kazakhstan.

The Convention against Torture (CAT) was ratified by Pakistan and signed by the Lao People's Democratic Republic, and the Optional Protocol (OPCAT) was ratified by Ecuador, Panama and Togo.

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) was ratified by Brazil, Iraq and Paraguay, and signed by Indonesia. Iraq became the twentieth State Party to the ICPPED in November, thus bringing the Convention into force on 23 December 2010.

## National accountability mechanisms

*EA3 - National accountability mechanisms established and functioning for combating impunity in accordance with international human rights standards and best practices*

OHCHR supports institution-building efforts by developing guidance materials for use by judges and judicial trainers, as well as new policy and training tools on accountability mechanisms, including commissions of inquiry.

The work of two truth commissions in Timor-Leste will be furthered thanks to draft legislation on a follow-up institution. The draft, which was discussed in Parliament, was based on a concept paper produced by a working group, including the Human Rights and Transitional Justice Section in Timor-Leste which provided technical advice.

In many countries, individuals endure appalling conditions of detention. As soon as they are behind bars, detainees frequently lose enjoyment of their human rights and are often forgotten by those in the outside world. This was emphasized by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in a global report presented to the Human Rights Council.

In 2010, the Republic of Moldova acted on most of the eight recommendations made by CAT in November 2009, in particular concerning the functioning of Moldova's National Preventative Mechanism (NPM). Access to places of detention by the NPM significantly improved during the



Afghan women in a gathering to mark International Women's Day in Kabul.

© AFP PHOTO/Shah Marai

course of the year. However, other problems remained; the NPM was not applying appropriate standards for documenting torture and related abuse in places of detention, and the timely publication of monitoring reports. OHCHR provided technical advice to the National Commission of Inquiry established by the Moldovan National Parliament to investigate the violence that took place in the aftermath of the April 2009 elections.

In Honduras, a National Mechanism against Torture was established. The Human Rights Adviser contributed to the promotion of a public debate on its role and importance based on the recommendations of the Subcommittee on Prevention of Torture. A National Torture Prevention Mechanism Law was also adopted in Guatemala.

OHCHR attaches particular importance to victim- and witness-protection programmes, including in cases of sexual violence, and develops guidance materials to assist States in this regard. In 2010, OHCHR deployed international witness protection experts to Argentina, Nepal and Uganda to review national legislation in these countries. Following this review, and based on the framework for the protection of witnesses and victims presented in the High Commissioner's report to the Human Rights Council on the right to the truth (A/HRC/15/33), a senior-level expert meeting was organized in Uganda to discuss good practices for setting up a national witness protection programme and, in December 2010, OHCHR organized in Nepal a South Asian regional meeting on witness and victim protection.

## Transitional justice mechanisms

*EA3 - Transitional justice mechanisms progressively established and functioning in accordance with international human rights standards and best practices*

For countries recovering from conflict or repressive rule, the rights to justice, truth and reparations and guarantees of non-recurrence are recognized as essential for achieving the transition to democracy, combating impunity and overcoming a legacy of human rights violations.

The Office helped design and support national consultations on transitional justice mechanisms; supported the establishment of truth-seeking processes, judicial accountability mechanisms and reparations programmes; and provided advice on relevant institutional reforms. It is also developing guidance materials on new transitional justice-related areas, the most recent of which include the linkages among transitional justice processes and economic, social and cultural rights; disarmament, demobilization and reintegration; gender, including addressing sexual violence; and vetting processes. The Office's work also focuses on the different elements of the right to truth, such as the importance of the preservation and use of archives in truth-seeking processes and ensuring witness protection.

In 2010, OHCHR provided advice and assistance on accountability and transitional justice issues in a number of countries. In Burundi, OHCHR supported the successful conduct of national consultations on

transitional justice in April 2010. OHCHR also assisted in the establishment of the Transitional Justice and Reconciliation Commission (TJRC) in Togo, and over 17,000 statements were gathered during the collection of testimonies phase (6 August to 17 December 2010). OHCHR assisted the TJRC in training and capacity building for the commissioners, as well as the recruitment and training of staff for its local antennas and mobile teams. In November 2010, OHCHR organized a seminar on witness and victim protection, in which the staff of the TJRC participated.

Steps were taken towards accountability for crimes committed during the 2006 crisis in Timor-Leste. All cases recommended for prosecution by the United Nations Independent Special Commission of Inquiry have been taken up for investigation. By December 2010, trials in seven cases had been completed, including four in 2010.

The Government of Brazil committed itself to establishing a Truth Commission. The Government of Nepal has committed itself to establishing a Disappearances Commission and a Truth and Reconciliation Commission to address both the causes and the conduct of the ten-year conflict that took place in the country. Progress is being made towards the adoption of the necessary legislation. Uganda established a War Crimes Division of the High Court, whose jurisdiction covers the crimes against humanity in the Rome Statute. In addition, as a State Party, Uganda, has integrated the Rome Statute into domestic law, by enacting the ICC Act 2010, which annexes the Statute in its entirety.

The Human Rights Adviser in Kenya, working closely with UNIFEM and UNDP, helped to ensure a gender sensitive approach in the support provided to transitional justice and accountability measures and the constitutional review processes undertaken by the Government of Kenya.

In August 2010, OHCHR published a report on the mapping exercise documenting the most serious violations of human rights and international humanitarian law, including sexual violence, committed within the territory of the DRC between March 1993 and June 2003.

## Access to justice and basic services

### *EA4 – Increased access to justice for marginalized groups*

Violence against women is endemic in almost every society. The fact that it is often hidden from public view makes it difficult to address. It is therefore imperative to make sure that the legal structures which protect women are sound and that they have full access to justice and legal assistance.

A comprehensive Special Law on a Life Free of Violence for Women, on which extensive support and advice was provided during the drafting process, was adopted by the Salvadorian Congress in November 2010. In Mexico, changes in existing legislation on reproductive rights and a new law forbidding violence against women were approved in November 2010 in Guanajuato. Indicators on violence against women have been selected and validated, and are currently pending approval and adoption by the National Commission to Prevent and Eradicate Violence against Women.

In Timor-Leste, a law against domestic violence was adopted in May. The Parliament in Uganda enacted the Domestic Violence Act in March, but supporting regulations have not been completed. The Prohibition of Female Genital Mutilation Act was passed in Uganda to outlaw this practice, punish offenders and provide protection to victims.

In Afghanistan, the draft law on Dispute Resolution Council Jirgas and Shuras was reviewed by OHCHR and UNAMA for compliance with international human rights standards and to ensure that the law safeguards women's rights. In Iraqi Kurdistan, the Regional Government has taken steps to improve legislation protecting and promoting women's and children's rights, including through the law for social health security and a quota system for women.

OHCHR continues to advocate for detainees to enjoy the right to judicial review of their detention by an independent, impartial court, as well the right to seek redress following torture, ill-treatment or other violations, and, in the case of pre-trial detainees, their rights to legal counsel, the presumption of innocence, release pending trial, and the right to a speedy trial or release.

Throughout the year, the High Commissioner for Human Rights advocated in different forums for an expeditious and fair trial before regular courts for those being held by the Government of the United

States of America in the Guantanamo Bay detention facility and other places. She also called for a thorough investigation of allegations of torture at the facility and raised concerns about detention in locations outside the United States. The High Commissioner also expressed concern over the US programme of targeted killings of suspected terrorists in circumstances that challenged international norms established to protect the right to life and the rule of law.

The Office obtained authorization to visit all civilian prisons in Cambodia. In 2010, our staff installed rain-water harvesting systems and increased water storage facilities in the prisons of the Banteay Manthey, Siem Reap, Mondolkiri, and Kratie provinces and in Correctional Center No. 4, thus improving the daily life of over 2,500 prisoners.

An action plan to reduce the prison population in Burundi, adopted in September 2009, is currently being implemented. Short-term measures have led to a significant decrease in the number of detainees, however, for sustainable results the in-depth reforms foreseen in the plan should be implemented.

The Office assisted 60 youths detained after demonstrations in Guinea in September 2010 to obtain *pro bono* legal aid from a pool of lawyers. All detainees were released thanks to this assistance and most of them were acquitted.

### **Responsiveness of the international community and the United Nations system**

*EA10 – International entities, including the International Criminal Court (ICC), international tribunals and the Human Rights Council and other UN human rights mechanisms increasingly responsive to critical accountability situations*

The thematic report on reparations for women who have been subjected to violence prepared by the Special Rapporteur on violence against women, filled a gap in the research on the issue, and attracted the interest of a number of UN agencies which are active either in the more general field of the rule of law and access to justice, or more specifically on women's rights. These have used the report as a reference guide for their own national level projects and have expressed interest in further cooperating with the Special Rapporteur on this topic.

The International Criminal Court (ICC) is the principal justice and accountability mechanism at the international level. Established by the Rome Statute



Premises of the International Criminal Court in The Hague.

in 1998 and entering into force on 1 July 2002, OHCHR encourages States that have not yet ratified the Statute to do so; supports civil society efforts to promote ratification; and, when requested, provides technical advice on national implementing legislation.

The number of States Parties to the Rome Statute rose to 114, with the ratifications by Bangladesh, the Republic of Moldova, the Seychelles, and St Lucia.

The High Commissioner participated in the stocktaking panel on complementarity. Held during the ICC Review Conference in Kampala from 31 May to 11 June 2010, OHCHR strengthened its relationship with the ICC on the basis of the UN-ICC Relationship Agreement approved by the General Assembly (A/RES/58/318).

OHCHR contributed to making the UN framework for transitional justice activities more human rights-based. Amongst other things, the Office had a lead role in the process of elaborating the Secretary-General's Guidance Note on the UN's approach to Transitional Justice, adopted in March 2010. This note is now used by the United Nations at Headquarters and in the field as a common standard on transitional justice.



Secretary-General Ban Ki-moon (second from right) with the Panel of Experts on Accountability in Sri Lanka, including Chairperson Marzuki Darusman (second from left), Yasmin Sooka (left) and Steven Ratner (right).

During 2010, OHCHR advised and supported the Secretary-General on the establishment of his Panel of Experts on Accountability in Sri Lanka, which examined the Government's follow-up to joint commitments on accountability relating to alleged violations of international human rights and humanitarian law during the final stages of the conflict in Sri Lanka that ended in 2009. The Panel's report identifying credible allegations of war crimes and crimes against humanity by both sides of the conflict was made public by the Secretary-General in April 2011.

The three thematic reports presented by the Special Rapporteur on counter-terrorism to the General Assembly and the Human Rights Council during 2010 raised awareness amongst Member States and the international community about the importance of the promotion and protection of human rights and the rule of law while countering terrorism. They also contributed to the mainstreaming of human rights standards and principles within the United Nations's work and raising awareness about the specific responsibilities of the United Nations in this context.

#### EA10 - The progressive involvement of an increasingly knowledgeable and committed international community in combating impunity

In Afghanistan, the UN Country Team agreed to adopt an Integrated Strategic Framework as a step towards the UN Delivering as One in Afghanistan. The rule of law and human rights were included among the five priority areas of this framework, which was endorsed by the Government.

UN agencies in Sierra Leone have become aware of the need to use a human right-based approach to programming, as evidenced by the UN Joint Vision which includes a major programme on access to justice and human rights.

A UN thematic group encompassing all UN organizations in Serbia was set up as a support network for the Ombudsman and the NHRI. Serbia's Common Core Document (CCD) was finalized and submitted in line with the harmonized guidelines on reporting to the human rights treaty bodies.

## Challenges and lessons learned

Enhancing the rule of law and ending impunity require sustained efforts. Demonstrating will and capacity are essential in this regard. The basic tools are there. The technical advice is available. Best practices abound. But without clear political commitment to countering impunity seriously, capacity-building efforts will have little effect.

Although some progress has been made in addressing the worst crimes through the adoption of new standards and the conduct of international criminal prosecutions, much remains to be done at the national level to enforce basic human rights guarantees, not least through establishing and defending judicial independence.

There is no single model to enhance the rule of law. Rule of law programmes can be adapted to the needs of every country depending on the challenges faced, whether it be a situation of conflict, the threat of terrorism, insecurity and general criminality or serious economic deprivation. But the vital ingredient is for the State to honour the human rights obligations that it has voluntarily accepted.

OHCHR has greatly benefited from its partnership with other institutions within the UN system and beyond. Its leadership role in enhancing accountability for violations, fostering transitional justice measures, and supporting institution-building is acknowledged. A coordinated, coherent, and responsive approach to rule of law and accountability strengthens the delivery of assistance and the human rights message. OHCHR is committed to this approach.



## Ending the cycle of bereavement

On 1 January 2000, in the municipality of La Dorada, Putumayo, in southern Colombia, Nancy Galarraga's four sisters disappeared. A paramilitary commander told Nancy not to worry and that the girls would come home later. But Patricia, 22; Monica and Nelsy, 19-year-old twins; and Maria Nelly, 13, never returned.

On 7 July 2010, a ceremony was held at the United Nations Human Rights Office in Bogota to help provide closure for the bereaved family and friends. The young women's mother, Nieves, their sister Nancy and four orphaned children displayed a profound sorrow that is difficult to describe as they confronted the four white coffins adorned with flowers and portraits. Ten years after their disappearance, torture and murder, the dignity of these women was finally returned to them.

Six months earlier, a Colombian prosecutor reported that a mass grave had been exhumed by the Attorney-General's office. The coordinates for the site had been provided by two former paramilitaries. Nieves and Nancy Galarraga dug up over 100 clandestine graves with their own hands and handed the human remains over to the Attorney-General's office.

Though relieved that the waiting and searching was over, Nieves Galarraga said their pain still continues. She is angry that after their disappearance, no one did anything, and she asks that justice be done.



Enforced disappearances occur when, with the involvement of State authorities, a person is forcibly removed from public view and his or her whereabouts is intentionally undisclosed. As a consequence, victims are placed outside the protection of the law. In most cases, the only verifiable information provided will relate to the circumstances in which the victim was last seen alive and free.

The UN Human Rights Office in Colombia was honoured when it received the request to convene this ceremony. Handing over the mortal remains to the victims' family was a profoundly sad experience. At the same time, it was an opportunity to emphasize that laws must be passed to enable processes of truth, justice and reparations.

"It is very sad to receive the remains of these young women, but at the same time it's an honour to receive your family in this office", the head of OHCHR in Colombia, Christian

Salazar, said during the ceremony. "We express our solidarity and join together in demanding justice for the serious human rights violations committed by paramilitary groups. The right to the truth and the need for reconciliation do not diminish the call for justice."

In consultation with civil society organizations, the Attorney-General recently adopted a protocol for the search for disappeared persons, exhumation and identification of bodies. However, a protocol for the dignified handing over of remains to families is necessary, as these ceremonies are still conducted, for the most part, as judicial proceedings. It is also important to establish mechanisms that will permit "declarations of absence", rather than obliging families to "declare presumed death" of disappeared persons, in order to have access to State protection and assistance.

# Poverty and economic, social and cultural rights



*Pursuing economic, social and cultural rights and combating inequalities and poverty, including in the context of the economic, food and climate crises*

## Background

Neither economic growth, nor merely providing for people's basic needs will help them escape poverty. Their empowerment through a human rights-based approach is necessary. Equity, equality and non-discrimination are essential, as are accountability and the free, active and meaningful participation of rights-holders.

And because human rights are interdependent and indivisible, conditions must be created for the realization of civil and political rights and economic social and cultural rights, as well as the right to development. In other words, the shared challenge of human rights and development is the achievement of freedom from fear and want. To paraphrase Nelson Mandela, people must not be forced "to choose between bread and ballots". They must have both. Thus, just as the Office works for the advancement of civil and political rights, it also directs its efforts to the achievement of the enjoyment of economic and social rights, and to the right to development. The right to voice an opinion, to vote, and fair administration of justice are all vital for true development, as are access to food and shelter; water and sanitation; education and information; economic opportunities; and social justice.





Vaccination campaign in Mexico.

## OHCHR's role

Through support for human rights mechanisms, public advocacy, training and education, and system-wide mainstreaming efforts, OHCHR works to promote economic and social rights and integrate all human rights in the work of the broader UN system and beyond. In promoting the full implementation of international treaty standards dedicated to economic, social and cultural rights (ESCRs), OHCHR develops training materials and basic tools on how rights-holders can access these rights. It provides technical assistance to governments, national human rights institutions (NHRIs) and civil society on poverty reduction strategies and on protecting ESCRs. By servicing the Committee on Economic, Social and Cultural Rights, OHCHR aids in the review of the implementation of ESCRs in the 160 States Parties to the International Covenant on Economic, Social and Cultural Rights.

OHCHR also leads UN-wide efforts to mainstream human rights. This means integrating all human rights into national development and international cooperation efforts, including those aimed at achieving the Millennium Development Goals (MDGs). The human rights-based approach to development is one of the five key programming principles for UN country teams and the Office lends support in carrying this out. The following are results the Office helped bring about in 2010.

## National laws, policies and institutions

*EA1 - Increased compliance with international human rights standards by relevant State institutions in domestic laws, policies and programmes relevant to development, poverty reduction and economic, social and cultural rights*

The Office assists national stakeholders in making necessary changes to legislation, policies, practices and budgets and supports their engagement on these issues with international human rights mechanisms.

In Mexico, indicators on the right to health were elaborated by the National Statistical Institute and the National Human Rights Commission. All indicators, as well as meta datasheets, have been submitted to a large scale validation process in which over 25 experts from Governmental institutions, civil society organizations, academia and members of the UNCT in Mexico have participated and whose comments have been reflected in the final product.

The Guatemalan National Statistics Office, with the support of OHCHR-Guatemala, promoted the incorporation of a gender and a multicultural perspective into their data collection processes in different ministries. In Ecuador, the pilot phase of a project to establish a national human rights indicators' system was launched. The project focused on the right to integrity and the right to work and involved cooperation between different Government agencies and civil society actors. Also in Ecuador, with the help of the Human Rights Adviser and two specialists funded by the Office, steps began to develop a methodology for mainstreaming human rights into national development planning processes.

In November 2009, the Committee against Torture (CAT) issued recommendations for the Republic of Moldova to amend the legal basis for the coercive treatment of persons with tuberculosis. In March 2010, the Ministry of Health, in collaboration with the UN Resident Coordinator, established a Human Rights and Health Working Group to examine policy, law and practice in four key health areas, namely HIV/AIDS, tuberculosis, sexual and reproductive health, and mental health. The Working Group succeeded in altering views about the need for human rights change in the health care system.

In Liberia, the final draft of the National Health Promotion Policy Working Group has been validated, with the support of the Human Rights and Protection Section (HRPS); it seeks to ensure that

health promotion interventions will be guided by a human rights-based approach.

Economic, social and cultural rights-based language was included in the Kyrgyz Republic's Constitution and housing legislation. The Indonesian Ministry of Law prepared a draft law on the right to adequate housing.

The Office provides technical assistance to national stakeholders to ensure that national development policies to tackle poverty and inequalities integrate human rights standards, emphasizing the participation and prioritization of those most vulnerable and marginalized. In the former Yugoslav Republic of Macedonia, steps were taken to improve social services with the new National Strategy for Social Inclusion and Poverty Reduction. The Human Rights Adviser provided comments on the strategy, which was aligned with key human rights standards and jointly supported by five UN agencies.

The Croatian Government adopted a decision on the option to buy off State-owned flats. This decision, which is in line with recommendations made by the Special Rapporteur on housing during her 2010 mission, recognizes the purchasing option for former tenancy rights-holders and Housing Care Programme residents, including discounts according to the years of displacement.

Part of the Office's work with national stakeholders includes providing advice, training and relevant materials to assist NHRIs in assuming greater responsibility for monitoring and protecting ESCRs, and facilitating relevant information and knowledge sharing among NHRIs.

In Tanzania, the Office held three successful trainings to strengthen the Investigation Unit of the Commission for Human Rights and Good Governance (CHRAGG). Later in the year, CHRAGG issued a report on the eviction of a pastoralist in Loliondo, North Western Tanzania.

By distributing learning materials and tools tailored to the national context, OHCHR helps to strengthen the capacity of human rights NGOs and the media to monitor, assess and report on the impact of national laws, policies and programmes on ESCRs and on poverty reduction and inequalities. For example, training modules on the basic concepts and monitoring of ESCRs were produced, as well as a chapter on these issues for inclusion in the OHCHR Monitoring Manual, and a training package on human rights-based approach in budget monitoring and advocacy.

## Ratification

*EA2 - Increased ratification of international and regional human rights instruments related to economic, social and cultural rights, particularly the International Covenant of Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol, and review of reservations related to these instruments.*

As with all the international human rights treaties, OHCHR advocates for the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol and the withdrawal of reservations to the ICESCR. The Optional Protocol was ratified by Ecuador, Mongolia and Spain – the first States Parties to the Protocol – and signed by Bolivia, Bosnia and Herzegovina, the Democratic Republic of the Congo and Kazakhstan.

## Access to justice and basic services

*EA4 – Increased number of measures taken to improve access to justice and to quality economic and social services by discriminated groups, and particularly women, indigenous and minority groups, and people living in poverty*

The Office monitors access to social and economic services obtained by marginalized groups and shares findings with relevant national stakeholders and the international community. In Haiti, through the implementation of 12 quick impact projects in eight locations in the west, south-east and centre departments, OHCHR and its partner UNHCR contributed to the local integration of internally displaced persons (IDPs). The projects promoted income generation activities for women, granted



A Roma at a makeshift camp built near a suburb of the Bulgarian capital Sofia.



© IRIN/Kate Holt

lighting and access to water for rural communities hosting IDPs and supported the recovery of documentation for those affected by the earthquake.

The Office undertakes capacity-building activities with administrative authorities, NHRIs, NGOs and legal clinics to raise awareness about ESCRs and the options available for obtaining redress in cases of violations, with a special focus on marginalized groups and those most affected by discrimination. In Bolivia, the Office gave specific support for the land recuperation process of the Guaraní communities of Alto Parapeti. The process resulted in 24,000 hectares of land being granted to 19 communities.

Moreover, OHCHR raises awareness of the importance of providing remedies to victims of violations of ESCRs by disseminating examples of best practice, and building the capacity of local stakeholders to promote access to justice related to the ESCRs of marginalized groups and those affected by discrimination.

Through a Legal Aid Task Force, a sub-group of the Protection Cluster in the occupied Palestinian territory, legal aid is now being provided on a systematic basis to victims of specific violations, in particular home demolitions.

In Papua New Guinea, the Human Rights Adviser coordinated an OHCHR delegation mission to Port Moresby, Goroka, Madang and Lae to hold consultations with relevant Government officials and civil society organizations on the right to adequate housing. In each city, workshops were held to introduce stakeholders to the international standards on the matter and consultations with victims of forced evictions were

carried out. The findings of the mission will include a proposal for a UNCT programme on forced evictions and the right to adequate housing for 2011 onwards.

In Central Asia, the OHCHR Regional Office supported the submission of civil society reports to the UN Committee on ESCRs and individual communications to the UN Special Rapporteur on adequate housing from the civil society in Kazakhstan and Tajikistan, through consultations and awareness-raising events.

## Participation

*EA5 - Discriminated groups, and particularly women, indigenous and minority groups, and people living in poverty, increasingly advocate for their economic, social and cultural rights and participate in decision-making processes and the formulation and monitoring of relevant public policies*

The Office also facilitates the participation of marginalized groups, those affected by discrimination, and civil society in general, in national and local policymaking in the areas of ESCRs, development and poverty reduction.

Human rights defenders in Serbia worked for the protection of ESCRs, with some engaged in issues related to workers' rights, the right to adequate housing, the right to education, and the right to health, amongst other issues. This contrasts with the situation only a few years ago when human rights defenders focused exclusively on civil and political rights.

Awareness by local actors on the need to strengthen access to justice on ESCRs was increased, particularly

in Africa and Latin America, through the delivery of targeted training on the justiciability and domestic application of ESCRs.

## Responsiveness of the international community

*EA10 – International community is increasingly responsive to the human rights dimensions of poverty and the realization of economic, social and cultural rights*

When policy is looked at from a rights-perspective, priorities change. OHCHR advocates for the human rights dimension of current crises to be integrated in policy responses. On the external policy side, for the first time, an EU decision establishing a human rights dialogue with a third country included an explicit reference to the exchanges with the United Nations being part of the dialogue.

OHCHR collaborated with the World Bank and the United Nations Office on Drugs and Crime on illicit enrichment, corruption and human rights related initiatives. The High Commissioner participated in joint public events and high-level debates with the Director-General of the WTO and addressed the trade diplomatic community in Geneva to raise awareness on the relationship between trade and human rights. Furthermore, OHCHR is actively advocating for inclusion of human rights dimensions in processes related to climate change and disaster risk reduction.

The Independent Expert on the new mandate on cultural rights presented a first report and conducted a first country mission to Brazil in November 2010. Her initial activities have already contributed to increased consideration of rights that had previously received little attention from the international system.

## Human rights mainstreaming within the United Nations

*EA11 - Increased integration of human rights standards and principles, in particular those relevant to economic, social and cultural rights, into policies and programmes of the UN system and other intergovernmental bodies in development, humanitarian action and in response to global crises*

Poverty is not only a humanitarian challenge; it is also a major human rights challenge. A human rights-based approach helps ensure that the root causes of vulnerabilities are addressed. OHCHR helps to ensure that human rights principles are fully reflected in the design of training tools and materials used by

development professionals, including within the United Nations, in the context of development cooperation efforts to support the achievement of MDGs.

OHCHR contributed to the preparatory process of the High-Level Plenary Meeting on the MDGs in New York, which supported Member States in achieving the inclusive catalogue of human rights commitments in the MDGs Summit Outcome document. The commitments covered a wide range of issues affecting duty-bearers at all levels, including in relation to maternal mortality and morbidity, the rights to food and health, the right to development and the important action agenda on trade, aid and debt relief.

In the lead-up to the Summit, OHCHR contributed substantively to intergovernmental discussions, research and policy work on the MDGs, through convening an expert seminar in March 2010, extending strengthened support to special procedures mandate-holders on MDGs issues within their mandates, and increased engagement with and contributions to the UNDG MDG Task Force's preparatory work and thematic reports on the MDGs. Supporting States in the implementation of their Summit commitments, and strengthening partnerships between human rights and development actors, will be important priorities in the future. An OHCHR study on maternal mortality was especially illustrative of the linkages between the MDGs and human rights and was well-received by Summit participants.

Both the Independent Expert on water and sanitation and the Independent Expert on extreme poverty submitted reports to the General Assembly that focused on the MDGs, which in turn helped to shape the materials produced by OHCHR for the intergovernmental discussions. Following the Independent Expert on water and sanitation's report, key UN agencies involved in monitoring the MDGs related to water and sanitation indicated their intention to use the human rights framework as they embark on the process of developing indicators for the post-2015 MDG period.

In relation to the global food crisis, OHCHR actively participated in the Secretary-General's High-Level Task Force on the Global Food Security Crisis and contributed to the updating of the Comprehensive Framework for Action for United Nations agencies and Bretton Woods Institutes by integrating the right to food and a human rights-based approach to address world food and nutrition security into the Framework. The Special Rapporteur on the right to food worked closely with the Food and Agriculture

Organization (FAO) on the reform of the Committee on World Food Security and continued to engage very actively in World Trade Organization (WTO) discussions.

Since 2009, the Office has focused on supporting Member States and national stakeholders to integrate human rights into their national development policies and programmes. Concrete progress was achieved in 2010 towards finalizing practical training and analytical tools and methodologies, and a training package on human rights and budget monitoring. This has led to increased interest in, and demands for, assistance from governments and civil society, including for the continuation of follow-up work in Liberia and a specific request for support from Ecuador. The training of 28 members of OHCHR field and headquarters staff included a strategic discussion in which a number of follow-up proposals were formulated for further country-level support.

Human rights and development have often been pursued on parallel tracks, in a disjointed and sometimes contradictory fashion, unlike the holistic vision of the 1986 Declaration on the Right to

Development and the Millennium Declaration. At the same time, since the establishment of the Universal Periodic Review (UPR) there has been greater demand from UNCTs and their national partners for support for national capacity-building, while the demand for training on the ICESCR remains high. Consequently, and consistent with Member States' commitments in the 2005 World Summit Outcome and 2010 MDGs Summit Outcome, OHCHR has been leading inter-agency efforts under the UNDG to integrate human rights further into United Nations operational activities for development and strengthen policy coherence, coordination and capacity in the UN system to respond better to national priorities. This will help to promote the integration of the recommendations of the human rights mechanisms into the work of relevant UN agencies and pave the way for an effective second round of the UPR, supporting Member States to implement recommendations they agreed upon in the first round. Such an holistic approach to the United Nations' mission would help to bring together the three pillars of the UN's work, in line with relevant intergovernmental agreements, and uphold the indivisibility of human rights, including the right to development.

#### Access to health care is a human rights issue – everywhere

Ioana Marginean was born in January 2010 in Bucharest. Her mother died in childbirth from the so-called "swine flu", and Ioana herself was diagnosed with spina bifida.

Such a diagnosis should not lead to families abandoning all hope. In fact, the prognosis for these infants is quite encouraging, provided they receive adequate treatment. But if they are denied adequate health care, their heads accumulate fluid (hydrocephalus) and grow so large that they cannot lift them. The children suffer irreversible brain damage, become blind, and finally die a slow and gruesome death in a "care" institution. This would inevitably have happened to Ioana if she had been born in Romania a few years earlier. And that is what still happens in some other East European countries.

Since 2004, a small civil society organization called the Romanian

Association for Spina Bifida and Hydrocephalus (ARSBH) has started searching for these children and has been raising awareness and funding for "shunts", which need to be placed in the child's body to prevent the development of hydrocephalus. If neurosurgeons have such devices at their disposal, they can operate on children like Ioana; without them they cannot. On paper, shunts are provided free of charge by the public health care system, but in reality they are unavailable and do come with a price tag - one which most families cannot afford.

Even in 2010, little Ioana could have faced the same grim fate. She did not receive proper treatment in the first three months of her life, but her grandmother refused to give in and place the baby in an institution. Instead, she found out about ARSBH and contacted the NGO. In March, Ioana successfully underwent surgery.

ARSBH activists have identified the problem early on as a human rights issue. OHCHR's Regional Office for Europe (ROE) shares this perspective and, working closely with civil society partners, used every opportunity in 2010 to raise the awareness of the Romanian authorities.

"Thanks to ROE's support, we hope that the Government will become more engaged. It should help us fight against stigma and discrimination, raise awareness, and provide rehabilitation," says ARSBH founder Adriana Tontsch. "People with conditions such as spina bifida must have full access to their rights under the Convention for Rights of Persons with Disabilities, including the right to non-segregated education and independent living. Ensuring their survival is just the beginning".



The work of the Independent Expert on extreme poverty on a human rights-based approach to social protection is being used as a reference by various UN partners involved in the promotion of the “Social Protection Floor” agenda – a key inter-agency initiative in response to the global economic crisis.

Online human rights training was made compulsory for all UN staff in the Central America region. A toolkit including human rights standards for the use by UNCTs in their support for NHRIs was developed jointly by OHCHR and UNDP.

OHCHR was able to bring together the UNCT in Cambodia to promote better standards of resettlement for 42 families whose members were living with HIV, and who were evicted from their homes and relocated to a resettlement site in 2009. In Papua New Guinea, the UNCT integrated human rights concerns into its MDG campaign and issued a joint report for the UPR to take place in the country.

## Challenges and lessons learned

In the past 15 years, global interest in promoting and protecting economic, social and cultural rights has grown significantly. Years of relative neglect of these rights on the human rights agenda has, unfortunately, fostered a host of misunderstandings and misconceptions about them. Dispelling the myths that surround ESCRs is crucial to dismantling unworkable categorizations of rights and to move toward a human rights agenda that treats civil, cultural, economic, political and social rights, together with the right to development, as truly universal, equal, indivisible, interdependent and interrelated. Today, from publications to seminars, from support to human rights mechanisms to the management of projects, OHCHR’s work on economic, social and cultural rights has been brought up to par with its work on civil and political rights. Bringing a better recognition of that essential symmetry to the policies and programmes of our partners is a critical challenge for the coming years.

This is especially urgent for implementation on the ground. In spite of the clear legal framework at the international level, persons suffering from poverty, from a lack of basic health care and education, or those who are discriminated against because of the group with which they identify, continue to be among the most disempowered in their societies. Continuous efforts are needed to ensure that legal remedies are available to victims of violations of ESCRs and that



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capacity is built to enable meaningful participation in development processes and social justice for all. The entry into force of the Optional Protocol to the ICESCR will mark an important milestone in this regard.

So too is the establishment of the multi-agency UNDG human rights mainstreaming mechanism co-chaired by OHCHR and UNDP, a mechanism that complements the Office’s engagement with the international financial institutions, the OECD Development Assistance Committee, and the World Trade Organization, as well as with bilateral development actors. In each, the Office is working to bring deeper integration of human rights-based approaches to development, including the right to development, as well as more human rights-sensitive understandings of, and responses to, poverty. There are many actors in the development field. OHCHR’s comparative advantage and role is based precisely on its strategic position at the heart of the UN human rights system, its norm-centered functions, its General Assembly-mandated role for leadership on these issues, its resident expertise on human rights in development, its increasing operational capacity in the field, and its institutional relationships with key development actors inside and out of the UN system. Efficiently leveraging these comparative advantages and playing a catalytic role will be important factors for success.

# Migration

## *Protecting human rights in the context of migration*

### Background

Every year, millions of people around the world leave their country, family, and friends in search of a safer or more prosperous life. It is estimated that some 214 million people currently live outside their country of origin. All countries are affected by migration, whether as a country of origin, transit, destination or as a combination of these.

Migrants enrich societies in various ways, including through introducing new practices, ideas and technology. They help to foster understanding and respect among peoples, contribute to demographic balance, and to development itself.

At the same time, migration is a significant challenge to all societies. Countries of origin lose important work force capacity; transit and destination countries can be challenged by sudden influxes of large numbers of people. Across the globe, migration has become a highly-sensitive issue of great cultural, religious, social and economic complexity.

For many, migration is a positive and empowering experience. But many others endure human rights violations, discrimination and exploitation. Far too many migrants perish in their search for a new and better life. Too few States guarantee foreign migrant workers equal work conditions as nationals. In the most extreme cases, persons are trafficked through deception or coercion to other countries where they are forced to work as slaves or prostitutes.

### OHCHR's role

The Office of the High Commissioner strongly advocates for the inclusion of a human rights perspective in debates on migration policy. It supports the human rights mechanisms in their work on migration issues, particularly the Committee on Migrant Workers and the Special Rapporteur on the human rights of migrants. It also works directly with countries to encourage ratification of the International Convention on the Rights of All Migrant Workers and Members of their Families (ICRMW) and assist the establishment of national laws and policies that comply with it.

Migration is a multifaceted issue which we believe deserves constructive and long-term solutions. The following are some of the results we achieved in relation to our work on migration in 2010.

### National laws, policies and institutions

#### *EA1- Increased compliance of migration policies and legislation with international human rights standards*

OHCHR assists governments, legislatures and national human rights institutions in reforming legislation to ensure compliance with international human rights standards. It provides technical advice, shares experiences from other countries and supports the participation of rights-holders in the process.

In 2010, for example, the Office contributed to ensuring that a law on trafficking in Venezuela, a law on refugees in Mexico and draft legislation to protect migrant domestic workers in Lebanon complied with international standards.

Over the past few decades, the demand for domestic workers, or persons employed in private homes, has increasingly been filled by migrants. The rights of these migrant domestic workers are often and easily violated and their access to redress is severely limited. Domestic servitude manifests itself in various ways, ranging from slavery as understood by the 1926 Slavery Convention to slavery-like practices, such as bonded domestic labour and child domestic labour.

In a report to the Human Rights Council, the Special Rapporteur on contemporary forms of slavery demonstrated how domestic servitude has become a



Would-be immigrants arriving at Catania harbour on Sicily.

global human rights concern. Also recognizing the rampant exploitation of affected individuals, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) has pointed out that there are very few explicit references to domestic work in existing national and international laws. This can lead to exploitative practices with limited avenues for legal redress in cases of violations. The CMW adopted a General Comment which describes in great detail the plight of many migrant domestic workers and recommends a range of social and legal actions to improve their personal and working lives.

According to the Committee's recommendations, States should agree on standard employment contracts; there should be regular reporting on domestic worker flows; recruiters should be regulated; conditions for domestic workers should be subject to national regulation; social security and health services should be made available; migrant domestic workers must have the right to organize collective bargaining; and States should ensure that workers have access to justice and remedies in case of violations.

The General Comment has already become an essential instrument for OHCHR offices in the field. The rights of migrant workers, including domestic migrant workers, stateless persons and non-citizens are among the main priorities of the OHCHR Regional Office for the Middle East for the current biennium, with steps being taken to address the problem in Lebanon, Jordan, Oman and Bahrain in 2010. The Office supported the drafting of the domestic workers' Law in Lebanon. In Bahrain, the launch of a national

report on foreign workers and labour conditions in cooperation with UNDP, led to the State Minister for Foreign Affairs considering the possibility of ratifying the new International Labour Organization (ILO) draft convention on domestic workers.

Domestic workers remain amongst those who are most at risk of abuse within private homes. The High Commissioner raised this concern during her visits to the six Member States of the Gulf Cooperation Council (GCC) in April and to Jordan in December. Her visits inspired several Human Rights Day activities in different countries of the region.

Also in the Middle East region, the profile of stateless persons and their rights were raised significantly through the dissemination of the results of a mapping project that showed how access to legal protection can be affected by nationality. OHCHR and UNHCR agreed on a strategy document that will further guide their work on the human rights of stateless persons in the region.

At the national level, OHCHR works to ensure that international standards are integrated into domestic and regional policies. This is one of the priorities of the Regional Office for Europe in Brussels, which together with other UN partners has provided legal advice to the European Commission on a number of migration-related policy and legislation processes and their compliance with existing international standards. The Office contributed to ensuring that the EC Action Plan on Unaccompanied Minors (2010-2014) would be based on the provisions of the Convention on the Rights of the Child and its General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin.

In 2010, the EU started a process towards the adoption of a directive on preventing and combating trafficking and protecting victims. Six UN agencies (UNODC, OHCHR, UNHCR, UNICEF, ILO, UNIFEM/UN Women) have been working together with relevant EU institutions to ensure compliance with international human rights standards. The agencies issued a joint public letter to draw EU Member States' and institutions' attention to the importance of guaranteeing access to legal aid; the application of a gender perspective; ensuring non-prosecution of victims and the inclusion of victims of torture as being particularly vulnerable persons who make up groups that require particular attention. The draft directive incorporated these important elements and will be formally adopted in 2011. OHCHR urges States to use the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, developed by the Office in 2002, in their efforts to prevent trafficking and protect victims.



The High Commissioner speaks at the fourth Global Forum on Migration and Development in Mexico, November 2010.

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## Ratification

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### *EA2 - Increased ratification of the International Convention on the Rights of All Migrant Workers and Members of their Families*

In 2010, the 20<sup>th</sup> anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) was commemorated. The Committee on Migrants Workers marked the occasion with a series of discussions examining the impact of the Convention; its more effective implementation and wider ratification; migration and development; and migration and gender.

The ratification of the ICRMW is one of OHCHR's main priorities. However, little progress was achieved in 2010. During its first 20 years, only 44 States have become a party to the Convention – in contrast with the CRPD, which recorded 99 States Parties in the first two years after being opened for signature, ratification and accession. In 2010, the CMW was ratified by Guyana, acceded to by St. Vincent and the Grenadines, and tabled by the Brazilian legislature for consideration and ratification. The low level of ratification reflects persistent fears or misunderstandings among States, particularly destination States, about losing control of migration. This has been exacerbated by an alarming and visible rise in xenophobic rhetoric in national political discourse in some countries.

The 20<sup>th</sup> anniversary provided an opportunity to celebrate the successful adjustment of countless migrants to their new environments, and the ways they have enriched their new societies with the diversity they bring. In Russia, for example, the anniversary coincided with an increased engagement by human rights defenders on migration issues. It was also an occasion to renew efforts to address the legal, social and practical challenges that migrants face effectively.

## Civil society engagement with human rights mechanisms

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### *EA7 - Increased engagement of rights-holders, national human rights institutions and civil society actors with UN and regional human rights mechanisms and bodies to promote migrants' rights*

OHCHR is keen to see greater involvement of civil society on migration issues at the international level. It organized a number of workshops on how to use international human rights mechanisms to promote migrants' rights. Civil society organizations also continued to provide important input into the



Immigrants in a railway station in Brussels.

consideration of States Parties' reports by the human rights treaty bodies through the submission of reports highlighting the situation of migrants in countries under consideration.

## Responsiveness of the international community

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### *EA10 - International community increasingly responsive to migrants' rights*

In addition to the involvement of civil society, it is important that the concept of human rights of migrants be disseminated at all levels. The Office works to raise awareness among senior government representatives and international officials, including through statements by the High Commissioner at the Human Rights Council and General Assembly, interaction with the Secretary-General and senior UN officials, and within various high-level UN coordination bodies.

As a result of such advocacy, the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, developed by OHCHR, were referred to as a useful tool in Human Rights Council resolution 14/2, which encouraged Governments to use the guidelines and requested the Office to promote them regionally, thus providing OHCHR with an explicit mandate to further its work in this area.

As another significant result of OHCHR's efforts, primarily through its role as chair of the GMG (see below), two General Assembly resolutions on migration made reference to human rights. Furthermore, continuous efforts to reach out to the general public were made, including through the three opinion editorials on migrant issues that were published by the High Commissioner in the international media.

## Victims of trafficking address the Human Rights Council

During the 14<sup>th</sup> session of the HRC in June 2010, delegates heard from victims of human trafficking who participated in a special panel segment. Thirty year-old Jana Kohut from Bosnia recounted how she was trafficked and sexually exploited for four months in neighbouring Slovenia. She described how she was repeatedly threatened by her aggressors to ensure her obedience, and constantly reminded of how easy it would be for them to get to her sister and subject her to the same treatment. Kikka Cerpa, from Venezuela, told the harrowing story of how she was forced into prostitution in New York 18 years ago, by her former boyfriend. While arrested over and over for prostitution, the police or prosecutors never asked her if she had been trafficked and never offered her any help or protection.

Deputy High Commissioner for Human Rights Kyung-wha Kang, when opening the panel, described human trafficking as a “contemporary form of slavery”. “Despite the committed endeavours of many, persistent and growing economic disparities, conflict and discrimination, push those who are least able to protect themselves into dangerous situations from which they cannot escape”, Kang said.

People who are trafficked must be treated as victims and not as criminals. They need protection and assistance as well as access to justice. The “market” of trafficking is shameful. The global community must work together to address both the criminal act of “trading” in humans, and also the demand side of the practice.

Charlotte Awino from Uganda told the Council of how, at the age of 14, she was abducted from a boarding school and held captive for eight years by the Lord's Resistance Army (LRA). Kumar Ramjali, a father of two, left his home village in Nepal for Jordan after promises of a well-paid job abroad. He described how he nearly died together with 12 others while they were being transported in a convoy of vans. Two of the vans had been stopped en route and the 12 Nepalese men they were carrying were kidnapped and murdered, their executions broadcast on the internet.

The panel discussion was an exceptional opportunity to give voice to the victims of trafficking. The recommendations of the panelists will hopefully serve as guidance during the planning of strategies and actions to combat trafficking, such

as the Palermo Protocol to prevent and suppress human trafficking.

In a report to the Council, the Special Rapporteur on trafficking in persons said the “protection and proper identification of victims is the first and fundamental step”. She reiterated the notion that “people who are trafficked must be treated as victims and not as criminals” and said victims of trafficking need protection and assistance as well as access to justice.

OHCHR urges States to utilize the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, developed by the Office in 2002, in their efforts to prevent trafficking and protect victims.

The stories of these victims are replicated by the thousands. Jana ended her statement with two simple questions: How many more 13-year-old girls need to be forced into prostitution? How many more will become part of the statistics and what number is high enough in this age of the cruelest type of slavery?

## Human rights mainstreaming within the United Nations

### *EA11 - Increased integration of human rights standards and principles related to migration into the work of international and regional processes on migration*

There has been increased recognition of migration as a complex and multi-dimensional issue that requires a coherent and coordinated approach from the international community. OHCHR works with other UN agencies to ensure a human rights perspective is integrated into debates on migration policy. One of the most significant ways it does so is through the Global Migration Group (GMG), which was established in 2006 and comprises 14 agencies working on

migration issues (including UN agencies, the World Bank and the International Organization for Migration). The UN High Commissioner for Human Rights chaired the GMG from July to December 2010.

Through OHCHR's leadership, and with the agreement of the Group, the Office sought to promote and mainstream a human rights approach to migration within the United Nations system, highlighting key migration and human rights themes at the international level. This led to increased awareness of migrants' rights among senior government representatives and the public at large. A case in point is the landmark joint statement, adopted by the GMG Principals, which calls on the international community to stop discrimination and

abuses against migrants in an irregular situation and to deploy protection efforts for international migrants from a human rights perspective. A full-day GMG experts meeting on the same subject organized by OHCHR in October also generated policy recommendations that were widely disseminated.

The Office further highlighted key migration and human rights themes at the regional and international levels, notably at the World Health Organization, the International Organization for Migration and the Government of Spain's Global Consultation on Migrants' Health in Madrid in March 2010, as well as the fourth Global Forum on Migration and Development in Mexico in November 2010.

OHCHR has been working to ensure that migrants enjoy human rights without discrimination based on race, sex, language, religion, national or social origin, or other status. A human rights-based approach to migration places the migrant at the centre of migration policies and management, and pays particular attention to the situation of marginalized and disadvantaged groups of migrants such as children and women; the Office has initiated a project to develop a set of training modules in this regard. This approach will also ensure that migrants are included in relevant national plans and strategies, such as plans on the provision of public housing or national strategies to combat racism and xenophobia.

## Challenges and lessons learned

Migration continues to grow because it is an essential driving force for the present and future development of many countries. But so do xenophobia, and repressive policy measures. In this context, there is a pressing need for better understanding and coordination at the national, regional and international levels, in order to address the myriad and complex issues raised by migration, and to ensure that these issues are met with effective and human rights-based solutions.

Although States have a legitimate interest in securing their borders and exercising appropriate immigration controls, such concerns do not diminish their obligations to respect the internationally guaranteed rights of all persons, protect those rights against abuses, and fulfill the rights necessary for them to enjoy a life of dignity and security. Ultimately, it is in everyone's interests that migrants are able to prosper and live in harmony with their new community.

The Office will continue to advocate for the rights of migrants, with a particular focus on those most at risk including migrants in an irregular situation. Furthermore, OHCHR will support national and international partners in the development of better legal and policy frameworks in this field, and promote further ratification and implementation of relevant international instruments, including the CMW.

Honduran immigrants ride on the top of a freight train on their way to the border between Mexico and the United States.



# Armed conflict and insecurity

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

### Background

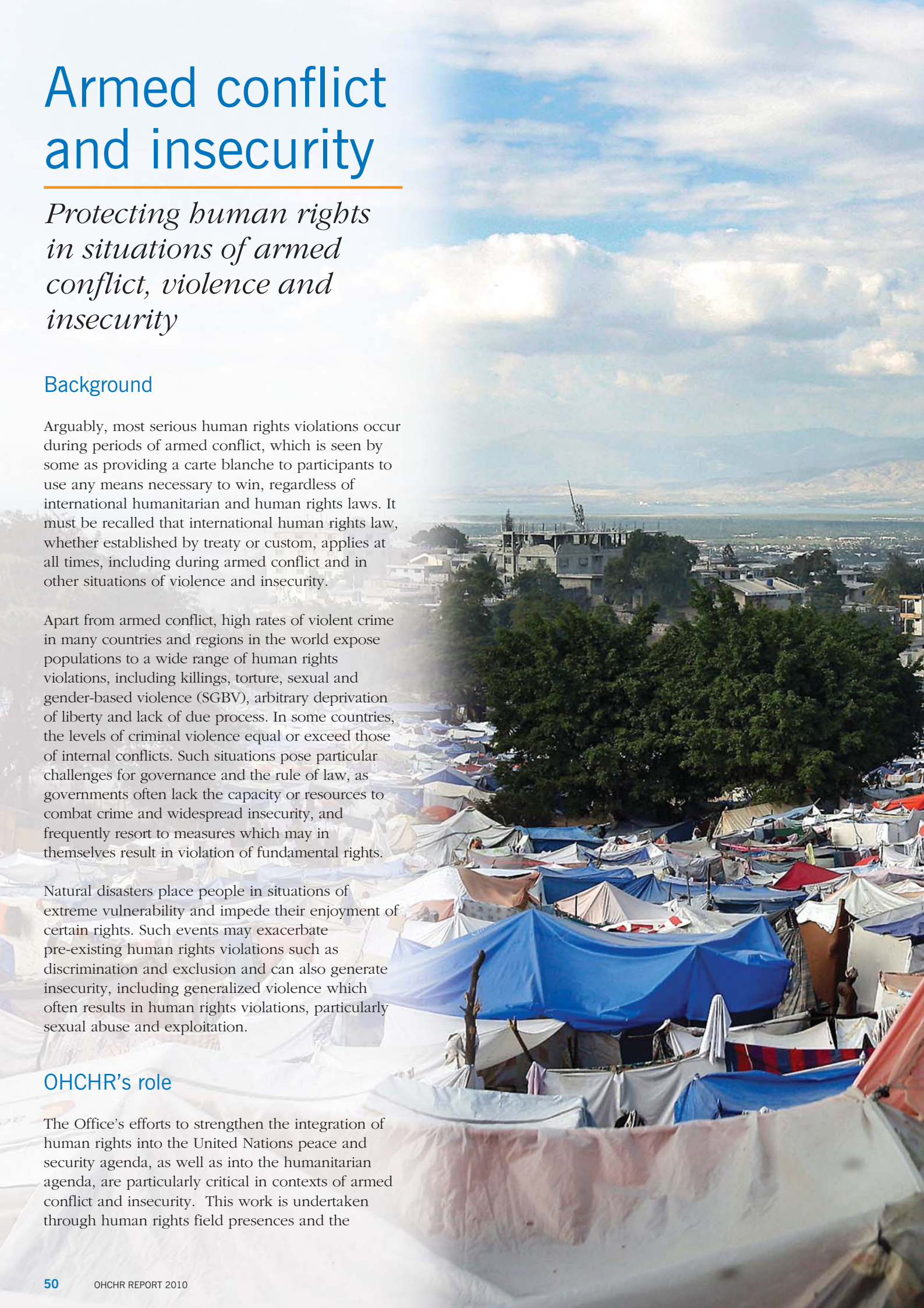
Arguably, most serious human rights violations occur during periods of armed conflict, which is seen by some as providing a *carte blanche* to participants to use any means necessary to win, regardless of international humanitarian and human rights laws. It must be recalled that international human rights law, whether established by treaty or custom, applies at all times, including during armed conflict and in other situations of violence and insecurity.

Apart from armed conflict, high rates of violent crime in many countries and regions in the world expose populations to a wide range of human rights violations, including killings, torture, sexual and gender-based violence (SGBV), arbitrary deprivation of liberty and lack of due process. In some countries, the levels of criminal violence equal or exceed those of internal conflicts. Such situations pose particular challenges for governance and the rule of law, as governments often lack the capacity or resources to combat crime and widespread insecurity, and frequently resort to measures which may in themselves result in violation of fundamental rights.

Natural disasters place people in situations of extreme vulnerability and impede their enjoyment of certain rights. Such events may exacerbate pre-existing human rights violations such as discrimination and exclusion and can also generate insecurity, including generalized violence which often results in human rights violations, particularly sexual abuse and exploitation.

### OHCHR's role

The Office's efforts to strengthen the integration of human rights into the United Nations peace and security agenda, as well as into the humanitarian agenda, are particularly critical in contexts of armed conflict and insecurity. This work is undertaken through human rights field presences and the







One of the 1,300 estimated IDP camps set up in Haiti after the earthquake that hit the country in January 2010.

development and implementation of policies and operational guidance for peacekeeping and special political missions. OHCHR closely cooperates with other components of peace missions, and maintains and fosters partnerships with United Nations agencies, funds and programmes to ensure the adoption of a human rights-based approach to United Nations engagement in conflict and post conflict contexts.

The Office has strengthened its capacity to respond promptly to emergency situations, particularly through its Rapid Response Section, its internal Rapid Deployment Roster of staff trained in fact-finding and investigations, and its Contingency Fund. This is a critical area of work that needs further strengthening and which requires financial resources.

The following are some of the contributions of OHCHR in 2010 to address human rights concerns in contexts of armed conflict, violence and insecurity.

### National laws, policies and institutions

*EA1 - Increased compliance with international human rights standards by all State entities, including national human rights institutions and the Judiciary, as well as with domestic laws, policies and programmes*

In situations of conflict, violence or insecurity, or in the aftermath of natural disasters, OHCHR has been emphasizing the centrality of human rights. Progress has been made in this area and there is now widespread acknowledgement that the protection of human rights is life-saving - especially in conflict situations. Many political actors have also come to recognize that human rights form the foundations upon which justice and lasting peace should be built.

In countries where criminal violence is prevalent, governments often resort to quick impact 'hard line' policies and strategies which are at odds with international human rights standards and can result in further human rights violations: increase in penalties; over-use of pre-trial detention; lowering of the age of criminal responsibility; use of the military in law enforcement functions; unregulated use of private security personnel; and moves to reintroduce the death penalty. Such measures have not proven effective in reducing the level of crime and violence.

In a number of countries affected by armed conflict, violence and insecurity, OHCHR monitors the situation and engages with the government and

other relevant counterparts to address related concerns, including through advocacy, advice on legislative, institutional and policy reforms, as well as targeted capacity-building.

In Afghanistan, sustained public reporting and advocacy by OHCHR/UNAMA on the protection of civilians in armed conflict saw an encouraging decline in the proportion of civilian deaths caused by pro-Government forces (16 per cent, down 26 per cent from 2009), although the overall number of civilian deaths continued to grow (2,777 in 2010, representing an increase of 15 per cent from 2009).

In Mexico, OHCHR has advocated against the use of the military in public order functions and highlighted the resulting human rights violations. The Office is continuing dialogue to ensure that all military personnel accused of any human rights violations will be tried by civilian courts, in line with human rights standards. In Central America, the Office has advocated against bills and laws that increase penalties for urban youths for associating with gangs. In Guatemala, a press release by the Office criticizing proposals for legislation because of their incompatibility with international human rights standards contributed to the shelving of the proposal and a presidential veto on legislation providing for the application of the death penalty.

A joint mechanism between OHCHR-Colombia and that country's Ministry of Defence, which will monitor the implementation of seven out of the 15 measures adopted in 2008 by the Ministry to ensure zero-tolerance for human rights violations, was established. These measures are directed, among other things, to ending extrajudicial executions and improving the military's compliance with human rights.

On 4 April 2010, following sustained advocacy by the UN Joint Human Rights Office (UNJHRO), the Senate of the Democratic Republic of the Congo (DRC) adopted a draft Law on the Criminalization of Torture, making torture an offence and providing for severe penalties. The Law remains to be approved. UNJHRO's efforts also contributed to the signing, on 23 June 2010, of two directives by the Military Attorney-General. These are addressed to the Military Prosecutors offices and contain measures designed to help combat torture and death in detention.

While ratification of international human rights and humanitarian law instruments occur quickly, the incorporation of the obligations of these instruments into domestic law may take longer and implementation longer still. OHCHR provides



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training on international human rights obligations to government institutions, especially law-enforcement bodies, and on international human rights instruments and international humanitarian law to a broad range of national stakeholders. In Sierra Leone, the Office developed a curriculum on human rights and gender issues for the training of 7,200 members of the various security forces. In Papua New Guinea, which has one of the highest crime rates in the world and police response frequently involves torture and extrajudicial executions, the Office organized a regional conference on custodial violence with the participation of the Special Rapporteur on torture. An invitation to visit the country was then issued to the Rapporteur whose recommendations have been followed up by police authorities, with the support of the Office.

In Haiti, the Human Rights Section of MINUSTAH advocated for and thereafter coordinated a joint security assessment carried out by UN police and military, other UN agencies, NGOs and the Haitian National Police. This resulted in joint policing according to a specifically developed strategic plan, and the deployment of a police presence in some camps to provide a measure of protection for the displaced population. Training was also provided to UN and Haitian security forces on human rights and sexual and gender-based violence. With the assistance of the Human Rights Section (HRS) of BINUCA, the Government of the Central African Republic (CAR) created a committee on the

promotion and protection of the rights of internally displaced persons (IDPs), and signed the African Union Convention on the Protection and Assistance of IDPs in Africa.

OHCHR is engaged actively in United Nations efforts to protect women and children from sexual violence in conflict. In addition to monitoring, investigation and reporting in the field on sexual violence and helping to ensure accountability for violations committed, OHCHR has actively participated in the implementation of United Nations Security Council resolution (UNSCR) 1888, which urges Member States to take effective steps to halt the use of sexual violence as a tactic of war. The Office is working with partners within the United Nations system to devise options for the deployment of women protection advisers in peace missions, such as their inclusion within human rights components. Efforts are also underway to support the implementation of UN Security Council resolutions 1325 and 1820. Thus, with the support of the Office, Sierra Leone launched a National Action Plan on UNSCRs 1325 and 1820 in March 2010. In September 2010 the Economic Community of West African States (ECOWAS) adopted a Plan of Action on the implementation of UNSCRs 1325 and 1820.

In Afghanistan, the Law on Elimination of Violence against Women was adopted and OHCHR-UNAMA undertook monitoring, advocacy and capacity-building activities in relation to its

## Victims of sexual violence in the DRC

A Panel convened in the Democratic Republic of the Congo (DRC) by the UN High Commissioner for Human Rights heard first-hand from the survivors of sexual violence of the effects that the crimes had on their lives.

The Panel, which was chaired by Deputy High Commissioner Kyung-wha Kang, Elisabeth Rehn, former Defence Minister of Finland, and Dr. Denis Mukwege, Medical Director of Panzi Hospital in Bukavu, Eastern Congo, spent three weeks in remote areas of the DRC to find out from victims what they need and expect in terms of reparations.

“The lives they knew have been largely destroyed, and they are suffering greatly – physically, psychologically and materially”, said Ms. Kang after the mission. “Their husbands desert them, they are socially ostracized, and often this rejection is compounded for victims who suffer from fistula, victims who become pregnant and bear children as a result of rape, or victims who contract sexually transmitted diseases, including HIV/AIDS”.

Despite their ordeals at the hands of the perpetrators of the crimes, most of the women who spoke to the panel expressed their determination to rebuild their lives and support their children. But to do so, they said, adequate assistance is needed. The women listed health care and education for their children and themselves among the highest priorities.

At the same time peace and security is a major concern for victims, especially in the east of the country, and in the Kivus where armed conflict continues. “The women made it clear to us that the destruction must stop before any



The Deputy High Commissioner with members of the High-Level Panel and victims of sexual violence in the Democratic Republic of the Congo, October 2010.

rebuilding can begin”, said Kang. “And the Panel is adding its own voice to this desperate plea for peace and security”.

The fight against impunity and access to justice was also a key issue raised by the victims and other relevant actors, with most of the victims saying they were not in a position to seek justice through the legal system because they could not identify or locate the perpetrators of the crimes committed against them.

The Panel also heard of the adverse effects of stigmatization caused by families and communities. The team met a woman who had been infected with HIV as a result of rape and unknowingly infected her husband. “When he died, his family threw her and her children out of her own home”, Ms. Kang said. “For this woman, a house where she and her children can live in peace is what she most needs to rebuild her life”.

Public recognition of the harm suffered by victims and support for the survivors, especially from

“leaders at every level whose voices have influence”, would help to change the culture that currently shames victims rather than the perpetrators of sexual violence, the Panel observed.

The Panel worked in consultation with the Ministry of Justice and Human Rights, and the Ministry of Gender, Family and Children, and prepared a recommendation report that was presented to the Congolese Government by the High Commissioner for Human Rights.

The recommendations are aimed at complementing efforts to promote justice by providing assistance and support to victims, and to advance a national strategy on sexual violence with regard to reparations. The United Nations General Assembly has defined reparations as consisting of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The goal is to restore the victim, although there is of course no way to entirely repair the harm caused by the atrocities that have been committed.

implementation. In particular, support was provided to the Ministry of Women's Affairs and provincial departments of women's affairs for the establishment of commissions on the elimination of violence against women in the provinces, which are tasked with monitoring the implementation of the Law and coordinating the efforts of provincial authorities and NGOs to address violence against women. In addition, a country-wide research initiative led by OHCHR-UNAMA on harmful traditional practices perpetrated against women and girls resulted in a public report that was released in December. This report will feed into the country-wide advocacy strategy on the full and speedy implementation of the Law on Elimination of Violence against Women.

The HRS of BINUCA provided advice which encouraged CAR's signature of the N'Djamena Declaration to end the recruitment and use of children within its armed forces in June. The Government signed the optional protocols to the Convention on the Rights of the Child; on the Involvement of Children in Armed Conflict (OPAC) and on the Sale of Children, Child Prostitution and Child Pornography (OPSC).

In Nepal, OHCHR partnered with UNICEF to monitor the implementation of commitments made to the SRSG on children and armed conflict for the demobilization and reintegration of minors from Maoist forces.

The West Darfur State Committee on Violence against Women and Children completed a work plan for 2011 based on data collection and analysis of SGBV trends. As a result of training and sensitization sessions conducted by the Human Rights Section of UNAMID, cases of child recruitment were increasingly reported by parents and members of the community.

## Justice and accountability mechanisms

*EA3 - Justice and accountability mechanisms established and functioning in accordance with international human rights standards to monitor, investigate and redress violations of civil and political, economic, social and cultural rights*

OHCHR continues to advocate for accountability for violations committed in situations of armed conflict and insecurity. It supports investigations and criminal justice interventions, both national and international, which respond to patterns of gross violations and abuses of human rights or international humanitarian law. It also provides advice on the establishment of comprehensive transitional justice mechanisms.

On 1 October 2010, the High Commissioner issued the report of the mapping exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003. After the release of the report, the Minister of Justice and Human Rights indicated in a press release that the Government of the DRC is in favour of the establishment of specialized chambers within the Congolese jurisdictions to adjudicate internationally recognized crimes.

In the Great Lakes region, OHCHR supported the International Conference on the Great Lakes Region (ICGLR) in setting up its Regional Committee on the Prevention of Genocide, which was approved by the Heads of States Summit in Lusaka on 15 December 2010. The Summit also adopted the Regional Initiative on the Fight against the Illegal Exploitation of Natural Resources, which includes the certification of natural resources to ensure that they do not come from conflict areas.

The Office seeks to facilitate access to legal aid and information services for victims and witnesses. This is the case in the DRC, where OHCHR supported the national strategy against SGBV. With donor support throughout 2010 our program has expanded to support victims of sexual violence through the country. From 30 September to 10 October 2010, the Deputy High Commissioner headed a High-Level Panel in the DRC, to hear directly from victims of sexual violence in order to consider and discuss the adequacy of remedies and reparations available to them. The Panel was tasked to assess the functioning of existing judicial mechanisms for remedies and reparations for victims of sexual violence, to make recommendations on how to strengthen these mechanisms, and to explore whether additional mechanisms were needed. The report of the High-Level Panel was presented at the margins of the 16<sup>th</sup> session of the Human Rights Council, on 3 March 2011, in the presence of the Minister of Justice and Human Rights of the Democratic Republic of the Congo. The Panel's recommendations are intended to complement ongoing efforts to promote justice by providing assistance and support to victims, and to help advance programmatic activities relating to the implementation of the national strategy on sexual violence with regard to reparations (see Box "Victims of Sexual violence in the DRC" for more info). Subsequently, the Joint Human Rights Office of MONUSCO was strengthened with specific expertise on reparations in order to promote, in cooperation with UN Women and other relevant partners in the field, follow-up to the recommendations of the report.

In Haiti, the Human Rights Section of MINUSTAH created a legal aid project which aimed to increase access to justice for victims and witnesses through technical and financial assistance to local NGOs, to enable them to provide free legal advice to victims of sexual violence, as well as support to prosecutors and judicial investigators to help them bring cases against perpetrators, especially security forces, of sexual violence. As part of this project victims and alleged perpetrators were given access to free legal aid provided by selected lawyers paid by the Human Rights Section.

## Participation

*EA5 - Rights-holders, especially women and others who have suffered discrimination, increasingly use existing national protection systems and participate in decision-making processes and in the development and monitoring of public policies*

To obtain a peace agreement in respect of any armed conflict is a major feat. But to be sustainable, such an agreement must incorporate provisions protecting the human rights of populations. The human rights component of UNAMID was able to facilitate civil society organization (CSO) participation in the Doha Peace Talks and the Darfur Political Process, including CSO participation in the traditional reconciliation processes. The human rights component of UNAMID conducted awareness-raising activities with communities on civil and political rights in relation to the elections. These activities contributed to awareness amongst the people of Darfur of their responsibilities, and those of the Government, in relation to elections. They also contributed to less violence during the campaigning, voting and post-voting period. OHCHR also advocates for dialogue between national and local authorities and NGOs, human rights defenders, indigenous communities and national human rights institutions. Three Darfur States' Sub-Forums for Human Rights were established in early 2010 thanks in part to UNAMID Human Rights co-chairing the Darfur Human Rights Forum (DHRF) with the Advisory Council of Human Rights (ACHR).

Awareness-raising initiatives such as the holding of SGBV workshops in West Darfur, the development and installation of 60 SGBV-related billboards at 11 strategic locations around South Darfur, and the development and production of 5,000 leaflets on the mandate, role and services of the Family and Child Protection Units, have also contributed to the empowerment of women and to the increase in the number of SGBV cases that are reported.

In Chad, an increase in victims reporting cases to the Integrated Security Detachment (DIS) was observed, particularly for cases relating to SGBV. This change came about after a series of sensitization programmes conducted by the human rights component of MINURCAT. A slight rise in reporting and filing of SGBV-type cases with the GoS police was registered in Sudan (Darfur).

With the support of OHCHR, IDPs in Haiti, particularly women, were involved in the management of IDP camps and the definition of protection strategies in their area of residence to ensure that their concerns were taken into consideration.

OHCHR-Mexico has seen positive results on the protection of human rights defenders, partly as a result of its advice and observer role. In October 2010, the national Ombudsman published two guides on the implementation of measures for the protection of human rights defenders and journalists. These measures were issued by the Inter-American Commission on Human Rights. An agreement for the implementation of preventive and protective actions for journalists was signed in November.

## Responsiveness of the international community

*EA10 - International community increasingly responsive to critical human rights situations and issues*

OHCHR supports the Human Rights Council (HRC) in its efforts to respond to urgent, chronic and emerging situations. In 2010 the Office supported one fact-finding mission and two committees of independent experts established and mandated by the Council.

A Committee of Independent Experts was established by Human Rights Council resolution A/HRC/13/9 to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness, and genuineness of these investigations and their conformity with international standards. The Office assisted in the establishment of the Committee and of its secretariat. The final report was submitted to the Human Rights Council at its 15<sup>th</sup> session during September. As a result of the report, the Human Rights Council, with its resolution A/HR/RES/15/6 of October 2010, renewed and resumed the mandate of the Committee of Independent Experts, which OHCHR assisted in 2010. Field work and reporting to the HRC occurred in 2011.

In June, the Council adopted resolution A/HRC/14/1 which requested the President of the Council to dispatch an independent international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law resulting from the Israeli raid on a flotilla of ships carrying humanitarian assistance to the occupied Palestinian territory. The Office provided secretariat support to the fact-finding mission. The final report was submitted to the Council in September.

The Office also engages with delegations of Member States to ensure that human rights violations in situations of armed conflict, violence and insecurity are on the agenda of relevant UN bodies, including the HRC, the Security Council and the General Assembly (GA).

OHCHR is actively involved in efforts to enhance the implementation of Security Council mandates for the protection of civilians. In her addresses to the UN Security Council in June and November, the High Commissioner emphasized that effective human rights monitoring and reporting are central to the protection of civilians, in order to prevent violations and to ensure accountability.

At the field level, human rights components play a key role in the implementation of protection of

civilians mandates. In the DRC, following the mass rapes of at least 387 women, girls, men and boys by a coalition of armed groups in Walikale, North Kivu in July and August 2010, the human rights component conducted a thorough investigation; supported the opening of a judicial inquiry; provided training for magistrates on witness protection methodologies and investigation techniques for sexual violence; and advised local police and MONUSCO peacekeepers on risks of reprisals and protection gaps.

In Somalia, an UN/AMISOM Working Group on the Protection of Civilians was created as a preventive mechanism, and dialogue on the need to limit harm to civilians took place between UNPOS, the African Union Mission for Somalia (AMISOM) and Transitional Federal Government (TFG) forces.

At UN Headquarters, OHCHR has participated in the development of policy and training materials, including the DPKO/DFS *Operational Concept for the Protection of Civilians in UN Peacekeeping Operations, Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations*; guidance on the integration of the protection of civilians in mission planning processes; and the DPKO protection of civilians training package for peacekeepers.



People injured during post-electoral violence in Côte d'Ivoire.

### Private military and security companies face greater international regulation

The UN Working Group on the use of mercenaries believes there is a global trend toward privatization of war and security, so much so that in some conflict zones, private contractors, which include military and security companies, outnumber conventional forces and often have sophisticated weaponry and logistical support.

The Working Group, a team of five independent experts, was created in 2005 and has been monitoring the impact on human rights of the activities of mercenaries and private military and security companies and their lack of accountability. The existing International Convention against the Recruitment, Use, Financing and Training of Mercenaries does not cover the activities of the private military and security companies.

In 2010, the Working Group presented the basic elements of a draft new treaty to the Human Rights Council. In September, the Council decided to establish an intergovernmental open-ended Working Group to consider the possibility of drawing up such a new international legal instrument.

The draft Convention, proposed by the Working Group, seeks to clarify the responsibilities of States for regulating, monitoring and overseeing the activities of private military and security companies. It also gives States the responsibility for ensuring that allegations of human rights violations are investigated, that those held responsible for such violations are prosecuted and that victims have access to effective remedies. It proposes that international organizations which make use of the services of these groups also be covered by the Convention. Finally, it provides for the establishment of an international oversight and monitoring body.

This follows several years of work by the Working Group which has been actively monitoring the impact on human rights of the activities of private military and security companies. Pressure for additional regulation of these companies has been growing because of repeated incidents in various countries, including their involvement in the interrogation of detainees, ill-treatment, and the indiscriminate shooting of civilians.

Addressing a side-event at the September Council meeting, the Working Group's Chair, Amada Benavides de Pérez, said "the private military and security industry has expanded exponentially in the last 10 years". However, she said it "remains fundamentally unregulated at the international level and often insufficiently regulated at the national level".

"It goes without saying", Benavides said, "that not all private military and security companies are involved in human rights violations, but enough of them have been to warrant action from the international community".

There has also been progress towards the adoption of an international code of conduct. However, Benavides noted that "the private military and security industry is by no means an ordinary commercial activity (...) Self regulation may be useful, but it is by no means sufficient".

The open-ended Working Group will meet for the first time in 2011.

OHCHR is co-leading efforts to consider the United Nations' experiences of providing support to non-UN security forces, to recommend a policy template to ensure that such support is consistent with the mandate, resources, situation on the ground and existing United Nations guidance, which includes compliance with human rights and international humanitarian law.

The Office partnered with the Inter-American Commission on Human Rights and with UNICEF in the production of a report on citizen security, which analyses the issue from a human rights point of view, and makes recommendations to States on how to improve the institutions, laws, policies, programmes and practices on prevention and control of crime and violence. The report was issued in December 2009

and in 2010 it was presented in several countries in the Americas with high-level participation of government officials. It has been an effective tool to raise awareness about the need to ensure a different, more comprehensive approach to crime and violence, and present human rights counter-arguments to hard-line policies that concentrate on control and punishment and forfeit basic rights.

The Office has also undertaken activities with the Central American Integration System in order to build the human rights capacity of governments involved with protecting citizen security, and, since late 2010, it has been working with the Institute of Public Policies in Human Rights of MERCOSUR in order to develop human-rights based security policies.





Ethnic Uzbeks fleeing violence in Osh, Kyrgyzstan.

The range of critical issues in the occupied Palestinian territory was raised in 10 official reports to the GA and HRC, not including those submitted by special mechanisms established by the GA or HRC for which OHCHR also provided substantive, administrative and other support.

### Human rights mainstreaming within the United Nations

*EA11 - Increased integration of human rights standards and principles, including the right to development, into UN policies and programmes with respect to development, humanitarian action, peace and security and economic and social issues*

Human rights are mainstreamed into peacekeeping, peacebuilding and political missions of the United Nations in two ways. First and most importantly, human rights staff are fully integrated into the missions. They are paid for by Member States through assessed contributions and report both to the mission and directly to the High Commissioner for Human Rights. OHCHR provides substantive direction (e.g., training and orientation) and support (e.g., interventions and visits by the HC, DHC or other parts of the UN human rights system).

The human rights components also work to mainstream human rights into the work of the entire mission. For example, in 2010 the human rights component in DRC, with the support of OHCHR in Geneva and New York, worked to end any practices of the Blue Helmets that could be perceived as supporting human rights violators. This effort has helped alert violators to the fact that support from the UN is conditioned on respect for human rights, humanitarian and refugee law.

Human rights components raise additional funds from the Peacebuilding Fund, humanitarian funds (e.g., CERF) or from bilateral sources. Frequently, this money is channeled through OHCHR and operationalized by the team on the ground.

Humanitarian action is carried out within a framework of coordination and collaboration amongst UN, non-UN partners and national authorities, particularly under the auspices of the Inter-Agency Standing Committee (IASC) and the cluster approach. OHCHR is also one of three UN protection-mandated agencies together with UNHCR and UNICEF that has committed to ensure leadership of the Protection Cluster at the field level.

OHCHR senior management continued to participate in high-level coordination processes, including the Executive Committee for Humanitarian Affairs (ECHA), the IASC Principals and the IASC Working Group, Emergency Directors Team Meetings and the cluster approach (especially within the Protection Cluster).

In the field, OHCHR increasingly works in partnership with humanitarian actors integrating a human rights-based approach to the overall humanitarian effort. Within the context of the cluster approach, the Office leads protection clusters in Haiti, Nepal, the occupied Palestinian territory, Timor-Leste and the Pacific region, and is the deputy head of the Protection Cluster in Iraq. It also plays a crucial supporting role in other countries such as Kyrgyzstan and Uganda.

Through the MINUSTAH Human Rights Section and the rapid deployment of 15 OHCHR staff to Haiti on different dates from January to September, OHCHR led the Protection Cluster in the context of the humanitarian response to the 12 January earthquake. Human rights standards and concerns were mainstreamed into the work and programmes of UN partners responding to the crisis. As a result of a Joint Security Assessment, also coordinated by the HRS, MINUSTAH developed and implemented a Strategic Policing Plan for IDP camps for UNPOL and UN military. Training was also provided to these bodies on human rights and gender-based violence. A needs assessment of IDPs was conducted taking into account protection concerns and human rights standards and principles.

In Nepal, OHCHR developed protection checklists based on international human rights standards, which remained an important advocacy tool for integrating protection issues within other clusters of the Inter-agency Standing Committee (IASC) mechanism. For example, the logistic and food clusters are in the process of incorporating the OHCHR checklist into their operational plan and have requested protection briefings from the Office.

As a response to the communal violence in southern Kyrgyzstan in June, a Rapid Deployment Mission comprising 11 staff was temporarily deployed for four two-week missions in June, July, August and September. Under the leadership of OHCHR a sub-cluster on human rights was formally established as part of the Protection Cluster, facilitating a more solid integration of a human rights-based approach into the multilateral

humanitarian response and ultimately strengthening the Protection Capacity of local and international partners.

In addition, the Office supports the OCHA-led Humanitarian Reform Process, in particular in the context of the Humanitarian Coordination Strengthening Project and the Cluster Approach, especially the Protection Cluster. OHCHR is also a core member of the Global Protection Cluster Working Group (PCWG) and its various Task Forces, including those on Natural Disasters and Learning.

The mandate-holder on IDPs developed and promoted tools that provide guidance on how to integrate human rights standards into responses to humanitarian, development and crises situations. In addition to his country mission reports, the mandate-holder developed the *Framework on Durable Solutions for Internally Displaced Persons*. This framework, which provides guidance on achieving human rights and durable solutions for IDPs, has been endorsed by the IASC and become a standard for UN agencies working on IDP return and reintegration issues.

The mandate-holder also developed the *Revised Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*. This document, also endorsed by the IASC, provides guidance on securing the human rights of persons in natural disaster situations. Furthermore, in his thematic report to the GA in October 2010, the mandate-holder addressed the issue of the duty of the State to provide humanitarian assistance and the corresponding rights of IDPs, thus providing guidance on the specific human rights obligations of States to ensure humanitarian access and humanitarian assistance to their displaced persons in times of need.

OHCHR's contribution to learning programmes for humanitarian coordinators and members of protection clusters through the IASC and the Global Protection Cluster Working Group helped to strengthen the integration of human rights standards and principles into UN system policies and programmes on humanitarian action.

In Lebanon, the OHCHR Regional Office integrated an introduction to human rights into UNIFIL's induction training. It also facilitated an exchange of letters between the High Commissioner and UNIFIL's Force Commander, cooperating on the development of the UNIFIL Protection of Civilians Strategy.

## Defending the defenders: Human Rights Day 2010

To celebrate Human Rights Day 2010, the High Commissioner chose to highlight the precarious situation of human rights defenders. Often the targets of repression, restrictions and abuse, human rights defenders act to promote and protect the human rights of individuals or groups everywhere. On 10 December 2010, a number of such defenders from around the world gathered in Geneva to tell their stories.

In her statement marking the Day, the High Commissioner encouraged everyone to consider joining the ranks of the thousands of human rights defenders already working to enact the principles of the Universal Declaration of Human Rights. “Commitment and courage are prerequisites”, she said. “At the very least, we should do our utmost to support those who do defend human rights”.

Participants heard from Otgonbaatar Tsedendemberel from Mongolia, one of the thousands of defenders whose life has been threatened because of his work. Just days before, he said

he had received warnings that he was in danger. Tsedendemberel is the Advocacy Programme Manager of the LGBT Centre, the first to defend the rights of lesbian, gay, bisexual, and transgender people in Mongolia. The LGBT Centre, he said, had faced resistance from officials from the start: he was told when registering the organization’s name that its meaning conflicted with traditional customs and set the wrong example for young people.

Nurbek Toktakunov is a lawyer from Kyrgyzstan who defends human rights defenders. He talked of the people he defended after the ethnic conflict in the south of the country in mid-2010 and noted that many of them went to jail for life. Nonetheless, Toktakunov has not given up: “despite the sense of uselessness, the main thing is to try”, he said.

States bear the primary responsibility of ensuring that acts of intimidation and violence against human rights advocates and victims are punished. To that end, States must investigate violations and

prosecute perpetrators irrespective of their affiliations. In order to do so, States may need to carry out the reforms necessary to improve access to justice for victims and their defenders, apply the rule of law and ensure the independence of judges and lawyers.

In a video message recorded especially for Human Rights Day, Aung San Suu Kyi spoke of the subtle forms of discrimination directed against defenders of human rights. She identified those working for democracy in Myanmar (including herself) as people who fall into this category, stating, “without human rights there can be no such thing as genuine democratic institutions”.

The High Commissioner called on governments to acknowledge that criticism is not a crime, and to release all those who have been detained for peacefully exercising their fundamental freedoms in the defence of democratic principles and human rights.

## Challenges and lessons learned

During 2010, OHCHR increased its efforts to address human rights concerns in situations of conflict, violence and insecurity – both as root causes and as a consequence of such situations. It further strengthened its rapid response capacity and its engagement in the aftermath of natural disasters. These are all particularly challenging situations which often require deployment of staff (or of additional staff), sustained monitoring, advocacy, the

swift identification of gaps and issues as well as the urgent development of strategies to address them, efficient partnerships with various counterparts, as well as the prompt mobilization of resources to effectively take action. With the various crises which emerged in early 2011 and increased resort to OHCHR to support fact-finding and investigative initiatives, it is critical for OHCHR and human rights field presences to have the adequate political support and resources to effectively fulfill their mandate in those situations where human rights are most at risk.

# Human Rights Mechanisms



## *Strengthening human rights mechanisms and the progressive development of international human rights law*

### Background

The Human Rights Council (HRC) is the primary inter-governmental body where human rights issues are debated, urgent human rights crisis addressed and decisions taken through resolutions. In 2011 it will celebrate the fifth anniversary of its establishment. It will also complete the General Assembly (GA) mandated review of its work and functioning which began in late 2010.

The first cycle of the HRC's Universal Periodic Review (UPR) mechanism is almost completed. The UPR, by which the human rights record of every UN State is reviewed, has been judged a success by many. The second cycle, beginning in mid-2012, when States are expected to report on the implementation of the recommendations received during the first cycle, will be the true test of the effectiveness of this mechanism in advancing the promotion and protection of human rights on the ground.

The HRC's special procedures are a crucial element of the human rights machinery. Their independence, impartiality and flexibility allow them to address allegations of violations and human rights challenges in all parts of the world and in all contexts, including crises and emergencies. They are directly accessible to victims and through their country visits they are able to gather information first hand. They often contribute to the prevention of human rights violations. Their analysis of substantive rights and themes has also added to the progressive development of international human rights law.

The intergovernmental human rights framework is complemented by a web of legal standards set out in the international human rights treaties. The human rights treaty bodies, committees of independent experts, are tasked with overseeing progress States Parties to these treaties have made in the implementation of their obligations, and providing guidance for further action.



## OHCHR's role

The Office of the High Commissioner is mandated by UN Member States to provide substantive and technical support to these human rights bodies and mechanisms.

OHCHR also works to strengthen cooperation and collaboration among these mechanisms and others, including Member States, the wider UN system, national human rights institutions, civil society, including non-governmental organizations and other stakeholders.

The following are examples of results we contributed to in 2010.

### State engagement with human rights mechanisms

#### *EA6 - More effective follow-up to treaty body, special procedures and UPR recommendations and outcomes*

The recommendations of the human rights mechanisms are fully reflected in OHCHR's programme of work. During 2010, OHCHR revised its planning processes to achieve, among other things, Office-wide coherence in supporting implementation of the mechanisms' recommendations. The review showed that a more consistent approach, with guidelines on how field presences should support these mechanisms, is required. OHCHR will integrate this recommendation in the next planning cycle. OHCHR's 2011 Office-wide evaluation will also be devoted to assessing its performance in supporting the follow-up activities of human rights mechanisms. It will assess the level and quality of support we give to States to build their capacity to implement the recommendations of these mechanisms.

The UPR mechanism has been successful in ensuring 100 per cent participation by Member States. By the end of 2010, 143 States had been reviewed, and all 192 UN Member States are expected to have been reviewed by the end of 2011. The mechanism has generated many recommendations in respect of each State reviewed. Some of these have already been implemented, while some States have created plans to achieve this.

For example, Ethiopia ratified the Convention on the Rights of Persons with Disabilities (CRPD), signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and initiated a national plan of action on human rights. In Serbia, the Ministry for Human

and Minority Rights is conducting a mid-term review on the implementation of UPR recommendations. The findings of this review will serve as a basis for the National Human Rights Action Plan and could be used as a tool in following up on human rights mechanism recommendations in general.

In Mozambique, a draft national human rights action plan and a training programme for prison officials have been prepared and will be strengthened along the lines of the UPR recommendations. A number of States have produced mid-term implementation reports highlighting steps taken to implement recommendations. When provided these reports are posted on the OHCHR website.

UPR recommendations have been integrated into the work of the wider UN system. For example, 50 recommendations (UPR and other human rights mechanisms) are included in the revised United Nations Development Assistance Framework (UNDAF) for Nicaragua. The creation of an institutional structure and the elaboration of an action plan to follow up on these recommendations were also prioritized in the UNDAF.

The UPR mechanism has enhanced the visibility of the special procedures and human rights treaty bodies. It has also encouraged a number of States to invite mandate-holders to visit their countries or issue standing invitations. States have also become party to human rights treaties and withdrawn reservations or indicated their intention of doing so.

OHCHR provides substantive and technical support to all aspects of the work of special procedures mandate-holders. In 2010, 67 country visits were carried out to 48 countries and territories and 604 communications were sent to 110 States. These communications addressed the situation of at least 1,407 individuals and numerous groups of individuals. By 31 December 2010, States had responded to 35.1 per cent of communications sent since 1 January 2010, and mandate-holders followed-up on 17.9 per cent of their communications. Mandate-holders submitted 156 reports to the Human Rights Council, including 58 county-visit reports, and 26 reports were submitted to the General Assembly. Mandate-holders also issued 232 public statements, including 23 joint statements by two or more mandate-holders.

The Office assists States in meeting their reporting obligations to the human rights treaty bodies and contributed, for example, to increased reporting and greater compliance with follow-up procedures, in particular under the International Convention on the Elimination of Racial Discrimination (ICERD); the

International Covenant on Civil and Political Rights (ICCPR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). A total of 137 reports were received in 2010, compared to 117 in 2008 and 106 in 2009.

There is no shortage of recommendations from the human rights mechanisms, but sometimes their formulation could be improved so they provide concrete and practical guidance. OHCHR supports the mechanisms in their quest to craft more precise and targeted recommendations. In 2011, the Inter-Committee Meeting of treaty body chairpersons and experts will review the format of the recommendations of treaty bodies. Since October 2010, OHCHR has facilitated retreats for all treaty body experts to prepare for these discussions.

In order to assist States and others to follow up recommendations of human rights mechanisms, OHCHR's Regional Office in Brussels prepared a tool which clusters and analyses the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD) to the 27 European Union (EU) Member States. This is currently being used by a number of EU partners, including for example the EU Fundamental Rights Agency.

OHCHR's capacity-building activities focusing on the Common Core Document and treaty-specific guidelines; reporting; individual communications; national preventive mechanisms against torture; and follow-up to recommendations have also been important for States and other stakeholders. These activities have allowed human rights mechanisms to benefit from more detailed information from the national level, which, in turn, should lead to more concrete and focused recommendations. In 2010, 17 capacity-building and training activities were carried out at the request of State Parties to human rights treaties, UN partners, national human rights institutions, civil society organizations in Armenia, Bahrain, Belarus, Cape Verde, China (Hong-Kong SAR), France, Indonesia, Ireland, Japan, Kazakhstan, Lithuania, the former Yugoslav Republic of Macedonia, Mexico, Peru, Qatar, Senegal and Turkmenistan.

Technical assistance provided by OHCHR to Member States and national stakeholders, upon their request, is also directed to bridging the gap between human rights mechanisms' recommendations and their implementation. OHCHR's assistance contributed to the development of a national road map to follow up on recommendations from these mechanisms adopted by the Republic of the Congo. Comparable processes



High Commissioner Navi Pillay and Sihasak Phuangketkeow, President of the Human Rights Council, address the opening of the Council's 15<sup>th</sup> session, September 2010.

were initiated in Cameroon, Gabon and Equatorial Guinea. Colombia and Guatemala are examples of countries that have compiled all recommendations and made them available electronically.

## International and regional laws and institutions

### *EAS - Advances in the progressive development of international human rights law in selected areas of focus*

International human rights law is constantly evolving. New issues emerge that require specific international legislation and existing provisions sometimes need revision or strengthening. OHCHR supports the preparation of new international standards so as to strengthen promotion and protection of human rights.

Four years after its adoption by the General Assembly, the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) entered into force on 23 December 2010. The Working Group on enforced and involuntary disappearances (WGEID) greatly contributed to the development of this treaty, which creates a tenth human rights treaty body to be established in 2011. The Optional Protocol to the ICESCR was opened for signature, ratification and accession on 24 September 2009. Currently ratified by three States Parties, it will enter into force after it is accepted by 10.

The Office supported the Open-ended intergovernmental Working Group on an optional protocol to the Convention on the Rights of the Child which would allow for complaints of violations of children's rights. Two expert workshops, on an optional protocol to provide for a communications



The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples addressing indigenous communities during his official visit to Guatemala, June 2010.

procedure for the Convention on the Rights of the Child (CRC) and on child-sensitive counseling, complaint and reporting mechanisms, were convened.

Water and sanitation are critical issues, but they have not attracted sufficient attention as rights. Activities to place these issues high on the international agenda provide a cogent example of the way the work of human rights mechanisms can be complementary. The Independent Expert on water and sanitation worked with the GA and the HRC to clarify the human rights obligations related to access to safe drinking water and sanitation; the implications of recognizing these rights; as well as common misconceptions in this context. In July 2010, the plenary of the GA recognized the right to water and sanitation. The Human Rights Council later reaffirmed that this right is derived from the right to an adequate standard of living set out in article 11 of the ICESCR. The Committee on Economic, Social and Cultural Rights (CESCR) also adopted a statement on the right to sanitation in November. In 2010, a joint study by four mandate-holders (the Special Rapporteur on counter-terrorism, the Special Rapporteur on torture, the Working Group on arbitrary detention [WGAD] and the Working Group on enforced or involuntary disappearances [WGEID]) on the global practice of secret detention in the context of counter-terrorism presented to the 14<sup>th</sup> session of the HRC attracted significant attention from States, NGOs and the media. Several resolutions adopted by the HRC referred to this practice and called for its abolition.

The issue of business and human rights has been the focus of increasing attention over the past decade, both from civil society and from human rights mechanisms. Since 2005, the issue has been on the agenda of the Human Rights Council through the

work of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The Office provided support to the Special Representative's work on developing a set of guiding principles on business and human rights which will be presented to the Human Rights Council in June 2011.

The work of the human rights treaty bodies includes the review of State reports and the issuance of recommendations, and the analysis of the treaties and the provision of comments, or guidelines, for their implementation. In 2010, with OHCHR support, the CESCR held a day of general discussion on the right to sexual and reproductive health, and the CRPD on accessibility. CEDAW adopted general recommendations on older women and on the core obligations of States Parties under article 2 of the Convention; and the Committee on Migrant Workers (CMW) adopted its first general comment on the rights of migrant domestic workers. The Human Rights Committee developed a first draft of a general comment on article 19.

### Coherence among human rights mechanisms

#### *EA9 - Enhanced coherence and consistency in the system of human rights mechanisms*

Two new special procedures mandates were established by the Council in 2010. A tenth treaty body established by the ICPED will commence work in 2011. The increased workload confronting all the mechanisms requires more effective coordination among them to avoid overlap, ensure mutual support and a harmonized approach. The Office works with the mechanisms so that these goals are achieved on the understanding that the



engagement of NHRIs and civil society is crucial for the system to be effective.

Training sessions and advice provided in Côte d'Ivoire, Iraq, Honduras, Paraguay, the Russian Federation, and other countries strengthened the capacity of civil society organizations to prepare their reports in respect of the UPR. Public information tools allowed NHRIs and civil society actors to strengthen their interaction with special procedures system and individual mandate-holders. OHCHR continued to produce quarterly Bulletins and annual *Facts and Figures*, and in 2010, for the first time the *Facts and Figures* on special procedures was made available in French and Spanish. Also for the first time, the Quarterly Human Rights Treaties Division Newsletter was made public.

The Universal Human Rights Index (UHRI), a user-friendly tool set up in 2008, provides access to all of the recommendations made by treaty bodies and special procedures. In 2010, OHCHR commenced the indexing of recommendations generated by the UPR. (<http://www.universalhumanrightsindex.org/>).

The Coordination Committee of Special Procedures continued to encourage the harmonization of special procedures' working methods. In 2010, two-thirds of all communications by special procedures were issued jointly by two or more mandate-holders. Three reports prepared by special procedures jointly - on secret detention, the situation in the Democratic Republic of the Congo, and on a visit to Bangladesh - were presented to the HRC.

The Special Rapporteur on the rights of indigenous peoples met with representatives of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the rights of indigenous peoples in New York to exchange information and discuss cooperation. The Special Rapporteur on torture continued to work together with the CAT, OPCAT and the Voluntary Fund for Victims of Torture. CERD discussed possible joint inputs into the activities relating to the 2011 International Year of African Descent with the Working Group on African descent.

The treaty body system is now almost double the size it was in 2004, but it has not received a matching growth in resources. As at 31 December 2010, there were 1479 ratifications of international human rights treaties which provide reporting obligations. In order to strengthen the system, the High Commissioner requested all stakeholders to rethink its future. This led to a process of consultations which started in Dublin in 2009. In

2010, national human rights institutions met in Marrakesh and treaty body experts in Poznan to develop ideas and proposals for strengthening the treaty body system. More consultations will take place in 2011 and at the end of that year a report compiling the various proposals made during the consultation process will be submitted. The format of the Inter-Committee Meeting and the Annual Meeting of treaty body chairpersons (CM) was also changed. For the first time, the CM was held outside of Geneva to allow for closer interaction with external partners such as the EU. The special procedures mandate-holders meet with the treaty body chairpersons annually.

Cooperation with other regional organizations and mechanisms also increased. For example, a joint conference on human rights and migration, with the participation of the Special Rapporteur on racism, was organized by the Council of Europe, Portugal and OHCHR. The Special Rapporteur on freedom of religion or belief held regular consultations with the Organization for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights Advisory Council and attended the Supplementary Human Dimension Meeting on Freedom of Religion or Belief held by OSCE in Vienna. Special procedures also interacted with the EU. For example, the Special Rapporteur on violence against women participated in discussions with the European Commission (EC) on ways to address violence against women strategically, and the Special Representative of the Secretary-General (SRSR) on violence against children participated in discussions on an EC strategy on children.

OHCHR convened a workshop on regional human rights mechanisms, in May 2010, to identify concrete proposals on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights. The workshop recommended that biannual meetings be convened with the participation of international, regional and subregional human rights mechanisms, governments, NHRIs and NGOs.

In April, OHCHR also organized the 15<sup>th</sup> workshop of the Asia Pacific Framework on Regional Cooperation for the Promotion and Protection of Human Rights, hosted by the Royal Thai Government in Bangkok. The workshop focused on new developments towards regional mechanisms in the region, especially in the context of the Association of Southeast Asian Nations (ASEAN). OHCHR continued to provide strong support to the development of the new ASEAN regional human rights bodies through its Regional Office in Bangkok.



Members of the Subcommittee on Prevention of Torture and OHCHR staff during their visit to Liberia, December 2010.

## Responsiveness of the international community

*EA10 - Increased responsiveness of the human rights system, in particular the Human Rights Council, to chronic and urgent human rights situations and any other emergencies, including in thematic areas, and to emerging issues*

In 2010, the HRC held a number of special sessions in response to crises situations. The Special Session on Haiti marked the first time that the Council discussed the human rights implications in the aftermath of a natural disaster. In May, the Council held its first urgent debate following the raid by Israeli defence forces on a flotilla of boats on a humanitarian mission bound for Gaza. A stand-alone interactive dialogue on Somalia held in September 2010 led to a formal request from that country for technical assistance in relation to the UPR. A Special Session was also held to address the aftermath of the presidential elections in Côte d'Ivoire.

The review of the work and functioning of the Council began in 2010. The Office participated in and contributed to numerous informal initiatives convened by the Council President, Member States and observers where the scope of the review and various proposals were discussed. As mandated, the Office provided substantive support and advice to the first session of the Open-ended Inter-governmental Working Group (IGWG) on the Review of the Work and Functioning of the

HRC, which took place in October 2010 and marked the formal launch of the review process in Geneva. OHCHR also facilitated consultations on the main areas of the institution-building package (Council resolution 5/1), namely the UPR; the Advisory Committee and the Complaint Procedure; the special procedures; the agenda and the framework for a programme of work; and the methods of work.

Special procedures mandate-holders presented a contribution to the IGWG setting out proposals to enhance the work and functioning of the Council. They also called for better use by the Council of their expertise and the outcome of their work, and provided suggestions for enhancing dialogue with Member States during and outside of HRC sessions, and on how cooperation could be strengthened.

Despite the fact it convenes three sessions and meets for 10 weeks annually, the agenda of the HRC remains consistently full. OHCHR has supported diverse formats and modalities for the Council's debates, such as panel discussions. Thirteen of these took place during the course of the Council's sessions in 2010, including a high-level panel on economic and financial crises, a high-level discussion on the United Nations Declaration on Human Rights Education and Training and a panel debate with victims and survivors of human trafficking.

A sign of increased responsiveness is that in 2010, seven more countries issued standing invitations to all special procedures, bringing the total number to 78 confirmed standing invitations as of 31 December. Several of these were issued in the context of the UPR, while others have come about as a response to constructive engagement of the mandate-holders, including successful country visits.

OHCHR continued to improve access to information on human rights mechanisms. The HRC web page was redesigned and staff ensured that the pages were regularly updated with the latest news and documentation. Public information tools were made available to NHRI and civil society actors, allowing them to strengthen their interaction with the system of special procedures and individual mandate-holders. A variety of newsletters and bulletins as well as web stories were also distributed with the latest activities of the Office and the human rights mechanisms.

## Challenges and lessons learned

The crucial role of the UN's human rights bodies and mechanisms in strengthening States' implementation of human rights obligations through advocacy, progressive development of human rights law, protection of individual and group victims, and the creation of opportunities for national, regional and international civil society organizations to articulate their concerns is widely acknowledged. During 2010, expansion of the human rights mechanisms has continued. This has allowed for strengthened promotion and protection of the human rights of

individuals, but has also raised the challenges of maintaining coherence of approach and the provision by OHCHR of the level of support necessary to ensure proper functioning of the mechanisms, and especially their ability to respond rapidly to emerging situations.

In-depth analysis of the work of the human rights bodies and mechanisms, including their interaction, is critical in order to strengthen the complementarity of their activities so as to achieve results. OHCHR is eager to support this work so that the potential of the mechanisms to enhance enjoyment by all of their human rights and fundamental freedoms is attained.

### Human Rights Committee celebrates 100 sessions

The 100<sup>th</sup> session of the Human Rights Committee, the body of independent experts who monitor the compliance of States with the International Covenant on Civil and Political Rights, was celebrated in Geneva on 29 October.

The celebration was an opportunity for Committee members, State Party representatives, human rights experts, and members of civil society and other UN bodies to take stock of achievements as well as past and future challenges.

The Covenant was one of the first legally binding international treaties and has been ratified by 166 countries. The Committee was established after the Covenant's entry into force in 1976 and since then has registered some 2,000 complaints of violations to rights

such as the right to freedom of speech, the right to vote, and the right to a fair trial.

Since its first session in 1977, the Committee has adopted hundreds of concluding observations to country reports that have geared States towards greater respect for their human rights obligations. It has also, through its second Optional Protocol, worked to abolish the death penalty, or suspend it and impose moratoria on executions.

Over the years, the Human Rights Committee has developed a body of legal principles that originate from the interpretation of rights contained in the Covenant. At the beginning of the day's events to mark the anniversary, the Chairperson of the Committee, Yuji Iwasawa, noted that many success

stories had arisen from the implementation of remedies recommended to States, such as commutations of the death penalty, early releases from prison, receipts of residents permits, and compensation for victims of human rights violations.

The Chairperson added that the Committee was the first treaty body to develop follow-up procedures to effectively monitor and encourage countries' implementation of the Committee's decisions, for the benefit of victims of human rights violations.

"The numerous amendments to legislation to which many of the Committee's views have contributed, demonstrate the beneficial effects which successful implementation of just one decision





# Management and Funding



# Management

## Background

OHCHR is led by the High Commissioner with the support of the Deputy High Commissioner, both based in Geneva, and the Assistant Secretary-General for Human Rights, based in New York. Four division directors and nine branch chiefs at headquarters provide the necessary operational and functional support. They comprise, together with chiefs of sections in Executive Direction and Management (EDM), the High Commissioner's Senior Management Team (SMT). Chiefs of 36 sections and units at headquarters, three in New York as well as the heads of over 50 field presences ensure the appropriate management of the Office's programme on a day-to-day basis. For further information on OHCHR's structure, please refer to the organizational chart on page 110.

Since the 2005 World Summit when leaders committed themselves to doubling the resources made available to OHCHR from the regular budget over the course of five years, OHCHR has experienced a period of rapid expansion. With a starting point of US\$64.1 million for the 2004-2005 biennium, a target of US\$128.2 million was established for OHCHR to attain in the 2010-2011 biennium. However, by the end of the five-year period the net increase for OHCHR amounted to less than 84 per cent, when adjusted for the additional resources given to new activities of the Human Rights Council (HRC) which had not been foreseen in 2005. At the same time, a steady increase in voluntary funding, from US\$68.3 million in 2005 to US\$109.4 million in 2010, representing an increase of 60.2 per cent, has allowed the Office to expand its presence in the field and strengthen support in all areas at headquarters and the New York Office.

The expansion has brought challenges relating to internal communication and coordination, critical work processes and leadership direction. It has also brought a rise in demands from donors and Member States for greater transparency, efficiency and value for money and stronger results-based management and reporting.

Two main internal policy deliberation and decision-making bodies – the Senior Management Team (SMT), chaired by the High Commissioner or in her absence by the Deputy High Commissioner, and

the Programme and Budget Review Board (PBRB) chaired by the Deputy High Commissioner – meet on a regular basis to make recommendations to the High Commissioner on issues of Office-wide importance, including with regards to programme plans and allocation of resources, to ensure that the Office's resources are utilized efficiently and transparently.

## Results

During the year in review, the terms of reference and work processes of the SMT were further refined, which contributed to the strengthening of this body (see the box on the Organizational Effectiveness Programme below). The role of the SMT is to provide strategic guidance and policy advice to the High Commissioner for addressing Office-wide issues. In 2010, the SMT met in 36 sessions and issued 26 clear and implementable recommendations for the High Commissioner's decision. Issues dealt with included: the opening of new field offices; training and communication strategies; input into the Secretary-General's strategic priorities; performance monitoring; knowledge management; follow-up to Universal Periodic Review (UPR) recommendations; the delivery of workshops on incitement to hatred; policy guidance on regional offices, human rights advisers, gender mainstreaming and rapid response deployment.

The terms of reference of the PBRB were revised in 2010 in order to merge it with the Financial Monitoring Committee, a subset of the PBRB membership which had met separately to review financial performance. Merging the two groups eliminated duplication and has ensured full PBRB supervision in monitoring as well as planning functions. The PBRB oversees the Office-wide planning process, allocates extra-budgetary resources in line with the High Commissioner's Strategic Management Plan and considers requests for supplementary resources in response to new and emerging needs, as necessary.

The PBRB makes its recommendations on the basis of three main criteria:

- (a) The relevance of the proposed plans to the defined thematic priorities, expected accomplishments and global management outputs to which the Office has committed itself;

- (b) The potential effectiveness of the proposed activities in relation to the same; and
- (c) Their potential efficiency in terms of sustainability, absorption capacity, and contribution to Office-wide coherence and cost-effectiveness.

With the High Commissioner's endorsement, PBRB recommendations that carry resource implications are implemented by the Programme Support and Management Services (PSMS) as part of its regular function as a service provider to the various work units of the Office. In 2010, the PBRB met in 20 sessions to consider various requests for additional resources, including in support of the Haiti and Kyrgyzstan emergencies; for the dispatch of a High-Level Panel on reparations for sexual violence to the DRC; for joint protection teams in the Joint Human Rights Office in MONUSCO; for a needs assessment mission, deployment of an electoral assistance mission and the establishment of a country office in Guinea; to support UNAMID/Sudan; to support the implementation of a new human rights education plan in Colombia; for indigenous populations in Central America; to

strengthen OHCHR's presence in the occupied Palestinian territory, to support UNAMI/Iraq; for assistance to children affected by armed conflict in Nepal; to implement a knowledge management strategy; for a seminar on traditional values and human rights; for earmarked funds for special procedures; for consultancy services on the human rights index; and to implement new activities in Uganda. In response to the Secretary-General's call to reduce costs, the PBRB also proposed a set of concrete recommendations to streamline support services provided to the UN human rights mechanisms.

OHCHR has worked diligently to transform itself into a results-based organization since the introduction of the first biennial Strategic Management Plan in 2005. Knowledge and understanding of the purpose and value of results-based management has significantly increased among programme managers, largely as a result of the efforts of the Policy, Planning, Monitoring and Evaluation Service (PPMES), which included hands-on training and targeted advice and support. With the strengthening of PPMES in 2010, OHCHR is now in a position to implement the

### Organizational Effectiveness Programme

The Organizational Effectiveness Programme (OEP) was launched by the High Commissioner on 7 December 2009 in response to recommendations by the Office of Internal Oversight Services in its report A/64/203; Corr.1. The OEP addresses issues of organizational strategy and direction, key work processes, internal communication, and management and decision-making.

The focus of the OEP in 2010 was to: (a) sharpen up management processes, including decision-making and management roles; (b) improve internal communication and collaboration across divisions; and (c) review key work processes and make them more efficient.

In this context, staff surveys were undertaken in 2010 to collect the views of OHCHR staff both at headquarters and in the field. Four critical work processes, including recruitment, strategic planning, mission preparation procedures and

documentation submission/clearances processes, were identified for review under the OEP. The following results were recorded in the context of the OEP in 2010:

- Revision of the internal decision-making process whereby staff at all levels now have the opportunity to identify issues for action and bring them to the attention of the SMT through a formal mechanism. Staff are informed when decisions have been made and progress on implementation can be tracked electronically on the OHCHR portal. The revised SMT process went into effect on 9 February;
- Creation of a Staff Advisory Group to ensure that staff concerns are adequately reflected and given due consideration by management in the context of the OEP;
- Establishment of an online Bulletin Board on the portal where staff can provide input on topics related to the OEP;
- Review of the recruitment work processes in OHCHR resulting in

- a set of recommendations for streamlined internal recruitment procedures within the general framework of the INSPIRA system and UN Secretariat guidelines;
- Review of the strategic planning process in OHCHR and introduction of simplified procedures related to work planning and budgeting as well as with respect to internal and external reporting;
- Decision to extend the timeframe for planning from two to four years and the introduction of longer-term country strategies.

In the coming months, the OEP will focus on completing the two outstanding work process reviews (mission preparations and document submission/clearance) and implement recommendations on internal communications in the Office. It is expected that the implementation of OEP recommendations will be completed by the end of 2011.

performance monitoring framework and to consolidate results from throughout the Office by reporting on a set of qualitative and quantitative indicators linked to Office-wide expected accomplishments and global management outputs. A reinforced monitoring system will allow OHCHR to strengthen its accountability, ensuring that lessons learned and good practices feed back into the planning process and support the appropriate allocation of resources to increase the Office's efficiency and effectiveness.

Simultaneously, the enhanced capacity of PSMS to ensure optimal utilization of resources by the substantive divisions and field presences has been instrumental. Special emphasis has been placed on providing opportunities for learning and skills development to all staff in support of the fulfillment of the OHCHR mandate.

Under the current financial climate, the Office is focusing on better value for money. By planning well in advance and going for the lowest fare available, travel expenses are being brought down. Less travel and more video conferencing is also a part of the Office-wide "Greening" initiative to reduce its carbon footprint. As part of the UN Secretariat, the Office participates in negotiated volume-purchasing agreements for items such as IT equipment and vehicles. At field level, OHCHR uses local service providers such as UNDP to avoid the need to maintain a full-fledged administrative section. OHCHR recently participated in discussions

with the UN Board of Auditors regarding a proposed Secretariat-wide value-for-money study. OHCHR looks forward to fully participating in this study.

## Challenges and lessons learned

As expected, 2010 turned out to be a challenging year for fundraising. Total income amounted to US\$109.4 million, some US\$9 million less than in 2009. Nevertheless, more than 50 per cent of contributions continued to be unearmarked, ensuring flexibility and efficiency in their use. As a matter of principle, the Office does not undertake additional projects that lie outside its planning framework or do not contribute to its established priorities.

More needs to be done on integrating monitoring and evaluation functions in a manner that contributes to learning and improves performance. In developing this function, the Office is also looking at ways to bring together the findings of assessments, reviews and studies conducted in-house and to make the best use of all available feedback mechanisms.

The transition from the United Nations Secretariat's previous recruitment system (Galaxy) to new recruitment rules and platform (INSPIRA) was more complicated than foreseen. This necessitated changes within the Human Resources Management Section as well as extensive briefings and training of staff members and managers.

### Establishing a culture of results

OHCHR is committed to becoming a fully results-based organization, transparent and accountable to all stakeholders.

In order to further advance towards this goal, in the course of 2010 OHCHR has continued to invest in the establishment of an IT-based Performance Monitoring System that will allow for consistent, evidence-based reporting on the achievement of results.

The system's user-friendly modules link planning, monitoring and the production of reports; and they will be accessible to all field presence and headquarters staff through the intranet. This facilitates:

- The definition of results, the selection of relevant indicators and the establishment of targets through a step-by-step approach that leads to the building of a logical framework of results for each organizational entity, available online;
- The ongoing, evidence-based assessment of results during the implementation of activities through the use of pre-established formats for outputs and outcomes reporting;
- Decision-making by members of OHCHR's management on issues related to the performance of the various programmes, through the production of custom-made reports; and,

- The creation and maintenance of an institutional memory through the storage of, and open access to, all of OHCHR's planning and monitoring documents.

Conscious of the change in culture that is required in order to focus on results, OHCHR is launching a long-term capacity-building programme to enable its staff to use the system to improve the quality of their planning and monitoring, and, finally, their impact on the ground.

Piloted in the course of 2011, the system is expected to be used for field presences' reporting by the end of the current biennium.



## Global Management Outputs – Summary of Results 2010

Global Management Output	Results
<p>1. Understanding of OHCHR strategic direction is shared across the Office, with coordination and communication strengthened between management and staff, between headquarters and field presences, and among divisions.</p>	<ul style="list-style-type: none"> <li>● The Strategic Framework for 2010-2011 (Programme 19) provided guidance on strategic priorities to staff and managers and the Strategic Management Plan 2010-2011 was launched by the High Commissioner in February 2010.</li> <li>● The decision to streamline and extend (from two to four years) OHCHR's Office-wide planning cycle as of 2014 has put in place a rationalized strategic planning process adapted to the nature of the organization's work.</li> <li>● A review of the Gender Policy following the recommendations of the OHCHR Performance in Gender Mainstreaming Evaluation resulted in a shared understanding and a common institutional vision on gender mainstreaming.</li> <li>● Internal advocacy and extensive information-sharing in the lead up to the MDG Review Summit in September contributed to improved coordination and communication among divisions on the subject.</li> <li>● OHCHR's first ever needs assessment on knowledge management involving headquarters and field staff contributed to the development of an Office-wide approach and workplan on the subject.</li> <li>● Standard operating procedures on the use and activation of the Rapid Deployment Roster and on clearance of public reports contributed to improved coordination between headquarters and field presences in emergencies.</li> <li>● Monthly bulletins, quarterly coordination meetings, annual consultation with heads of field presences and pre-deployment briefings contributed to greater coherence and better coordination of work between headquarters and field-based staff.</li> <li>● Improved coordination between Geneva, New York and the field on a number of critical country situations (e.g., Côte d'Ivoire, Guinea, Haiti) led to a more coherent OHCHR response to human rights emergencies.</li> <li>● Long-term communications plans developed for the six thematic priorities, particularly in the area of discrimination, contributed to improvements in the formulation of OHCHR's external communication messages.</li> <li>● Strengthened peer learning achieved through bimonthly "coffee briefings" on substantive human rights issues, including a special series on the OHCHR thematic priorities.</li> </ul>
<p>2. Strategic decisions are made in a timely and transparent manner, and effectively implemented and followed-up.</p>	<ul style="list-style-type: none"> <li>● Greater coherence and strategic decision-making through the improved working procedures of, and support to, the Senior Management Team (SMT) and the Programme and Budget Review Board (PBRB). Introduction of online SMT and PBRB decision tracking systems to enable staff to be aware of and monitor the implementation of decisions.</li> <li>● Strategic decisions on OHCHR's leadership role of the Protection Cluster in both the Haiti and the Kyrgyzstan crises made within 48 to 72 hours from the onset of the crises, including on deployments from the Office's Rapid Deployment Roster and release of funds from the Contingency Fund.</li> <li>● Production of fortnightly watch-lists and Early Warning – Early Action reports to support effective and timely decision-making by Senior Management in situations of concern.</li> </ul>
<p>3. Increased effectiveness of OHCHR's lead role in partnerships for human rights mainstreaming.</p>	<ul style="list-style-type: none"> <li>● Human rights issues strengthened in the Secretary-General's policies and the UN system responses to crises situations through the direct input of the High Commissioner, the Deputy High Commissioner and the Assistant Secretary-General for Human Rights in New York.</li> <li>● Greater focus placed on the human rights aspects of migration, in particular on migrants in irregular situations, thanks to the lead role and advocacy of the High Commissioner.</li> <li>● Strengthened system-wide coherence, collaboration and support for resident coordinators and UN country teams in mainstreaming human rights into development programmes through the new mechanism for human rights mainstreaming established within the UNDG.</li> <li>● Further emphasis on women's access to justice and economic, social and cultural rights in OHCHR and UN programming through input from gender advisers placed in four regional OHCHR offices.</li> <li>● Progress made in mainstreaming human rights in UN-wide programmes through the Global Migration Group, the Inter-Agency Support Group (IASG) on the Convention on the Rights of Persons with Disabilities (CRPD), the Secretary-General's High-Level Task Force on Global Food Security, the Inter-Agency Standing Committee (IASC), the Global Protection Cluster Working Group and joint events with WTO, UNITAR and civil society.</li> </ul>



Global Management Output	Results
	<ul style="list-style-type: none"> <li>● Contribution to shaping IASC priority areas to improve and guide future multilateral humanitarian responses, focusing on the need for a system-wide accountability framework and the strengthening of humanitarian leadership and coordination mechanisms.</li> <li>● Strengthened coordination with the Protection Standby Capacity Steering Committee (ProCap) to ensure that human rights considerations and a human rights-based approach remain fully integrated across ProCap deployments.</li> <li>● Increased engagement of OHCHR Senior Management in IASC Working Group meetings, Emergency Directors Team Meetings and IASC Principals meetings.</li> <li>● Increased visibility of OHCHR's work, in particular on the issue of non-discrimination, through the dissemination of materials and messages on Human Rights Day 2010 in Geneva and in New York, as well as through 15 OHCHR field presences and 36 UN offices around the world, including UN information centres, UN country teams and peace missions.</li> </ul>
4. Increased effectiveness in servicing human rights mechanisms and in supporting follow-up to their recommendations.	<ul style="list-style-type: none"> <li>● In-house consultations for the definition of an Office-wide strategic approach to promoting and supporting follow-up and implementation of UPR outcomes and recommendations launched, including the development of a system to track OHCHR activities in support and follow-up to outcomes from all UN human rights mechanisms.</li> <li>● Effective support provided to the Human Rights Council mandated fact-finding mission to investigate the violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance (resolution A/HRC/14/1).</li> <li>● Provision of high-quality support to the implementation of Human Rights Council resolutions A/HRC/13/9 and A/HRC/15/6 with regard to the establishment of commissions of inquiries and fact-finding missions.</li> <li>● Contribution of substantive advice and support to the five-year status review of the Human Rights Council as required in resolution 60/251, including through inputs from the Senior Task Force comprised of directors and managers from all divisions, compiled into a non-paper shared with Member States.</li> <li>● Establishment of a list of high-level experts that could potentially be part of Human Rights Council and Secretary-General mandated commissions of inquiries and fact-finding missions.</li> <li>● Exchange of best practices on follow-up in a joint session of special procedures mandate-holders and chairs of treaty bodies attended by representatives of UN agencies and OHCHR field presences and inputs provided to civil society initiatives on the subject.</li> <li>● Improved security provided to special rapporteurs through dedicated security support during sensitive missions, as well as to commissions of inquiry, fact-finding, assessment and mapping missions.</li> <li>● Increased capacity among stakeholders (States Parties, regional organizations, national human rights institutions and NGOs) on the preparation of Common Core Documents, periodic reports and the follow-up to treaty body recommendations thanks to 17 country-level training courses.</li> <li>● Production of 2,962 documents for the consideration of the General Assembly, the Economic and Social Council, the Human Rights Council and its related entities, and the human rights treaty bodies.</li> <li>● Gradual improvement in the timeliness of document submissions to the Human Rights Council throughout the year, from 41.1 per cent for HRC13 in March and 42.4 per cent for HRC14 in June to 58.6 per cent for HRC15 in September.</li> <li>● Support to 92 scheduled official human rights-related sessions and events comprising a total of 687 meeting days as well as numerous informal sessions and consultations.</li> </ul>
5. Increased effectiveness and efficiency in supporting field operations.	<ul style="list-style-type: none"> <li>● Improved documentation, monitoring and follow-up of cases of human rights violations through the roll-out of the OHCHR human rights database in six field presences (Mexico, Uganda, Burundi, Côte d'Ivoire, the Sudan and Darfur).</li> <li>● Further harmonization of the work flows within OHCHR headquarters and field offices in the context of the preparation of background documentation for treaty body sessions.</li> <li>● Increased efficiency in filling vacant posts for human rights staff in peace missions through the Department of Peacekeeping Operations (DPKO) and the Department of Political Affairs (DPA).</li> <li>● Development and dissemination of internal checklists on engagement in humanitarian crisis response, including when playing a lead role in protection clusters, facilitated the efficiency of OHCHR's work in emergencies.</li> <li>● Strengthened leadership of the Protection Cluster through the activation of OHCHR's Rapid Deployment Roster and the rapid deployment of 18 staff on seven occasions, most notably in Haiti and Togo.</li> </ul>



Global Management Output	Results
	<ul style="list-style-type: none"> <li>● Key inputs and thematic expertise provided to OHCHR staff in the field, including on economic, social and cultural rights, transitional justice and witness protection, human rights monitoring and investigation, human rights education programmes, formulation of national human rights action plans and work on disability for more targeted interventions with local stakeholders.</li> <li>● A global communications consultation, the first ever such event organized by OHCHR, contributed to improved understanding among 30 OHCHR public information staff on communications strategies, tools and procedures.</li> <li>● A review of the draft joint policy directive and of human rights integration in DPA-led special political missions contributed to a more rationalized and enhanced cooperation framework between OHCHR, DPKO, DPA and the Department of Field Support (DFS).</li> <li>● The development of policies relevant to human rights in peace missions, most notably the Operational Framework for Protection of Civilians, guidelines on protection strategies, the conditionality policy as well as various guidelines on integrated planning processes have contributed to increased effectiveness in the field.</li> <li>● Greater involvement of special procedures at country and regional level, including in the shaping of strategies.</li> </ul>
<p>6. OHCHR staff have the necessary competencies and skills to implement OHCHR global thematic strategies, and to consistently adopt and diligently achieve related targets.</p>	<ul style="list-style-type: none"> <li>● Targeted training courses contributed to increased knowledge among some 200 OHCHR staff, including members of the Rapid Deployment Roster, on, inter alia, human rights and budget monitoring, minority rights, monitoring and protection, mission planning, human rights mainstreaming and humanitarian action, conducting human rights training and on the use of the OHCHR human rights database, including on investigation and documentation methodologies.</li> <li>● Awareness was raised among 12 heads of field presences on the Office's role in humanitarian action, including its lead role within the Protection Cluster through the organization of two regional consultations on OHCHR's engagement in humanitarian action.</li> <li>● Better global understanding of thematic priorities and expected accomplishments among OHCHR field-based staff through customized coaching and advice, including during induction training, and through the provision of guidelines on planning and reporting.</li> </ul>
<p>7. OHCHR website supports OHCHR's mission and priorities and meets the needs of users.</p>	<ul style="list-style-type: none"> <li>● The progressive upgrade of the OHCHR website, currently underway, contributed to an increase of 38 per cent in the number of unique visitors in 2010. The development of a Web Management Plan outlining a phased delivery of the web upgrade, including governance, architecture and content strategies, is expected to bring many benefits to OHCHR and its constituencies.</li> <li>● Outreach to stakeholders was extended through the translation of the OHCHR website into Chinese and Russian. The Chinese version will be online in 2011.</li> <li>● Improvements were made to the Human Rights Council web section and regular updating of content, including on the extranet, has contributed to giving stakeholders improved access to key documents.</li> <li>● The redesigning of the NGO webpage with quick links to information in English, French, Arabic, Spanish and Russian and new e-mail subscription services have contributed to improved and timely information-sharing with civil society stakeholders.</li> <li>● Increased use of social media, including in the context of the Human Rights Council and with NGOs, as well as in coordination with the Department of Public Information in New York, has allowed for new ways of sharing human rights information with stakeholders.</li> <li>● The posting, since April 2010, of a quarterly newsletter with treaty body highlights, interviews and an analysis of decisions and activities reported by OHCHR field presences contributed to enhanced information sharing on treaty body work with stakeholders.</li> </ul>
<p>8. Resources mobilized in a diversified and sustainable way, with flexible use for OHCHR.</p>	<ul style="list-style-type: none"> <li>● Despite an adverse economic climate in many donor countries, OHCHR raised a total of US\$109.4 million in voluntary contributions in 2010 against a budget of US\$129.7 million.</li> <li>● 64 Member States contributed in 2010, five fewer than in 2009. A total of 43 funding agreements were signed, of which 10 were of a multi-year nature, ensuring sustainability for the Office.</li> <li>● The proportion of unearmarked funding remained relatively stable at 54 per cent, compared to 56 per cent in 2009.</li> <li>● OHCHR participated more actively in Consolidated Appeals and Flash Appeals coordinated by OCHA: this generated an additional US\$4 million in funding.</li> <li>● OHCHR also received US\$2.1 million from seven Multi-Donor Trust Funds in 2010, including the Peacebuilding Fund.</li> </ul>

# Funding

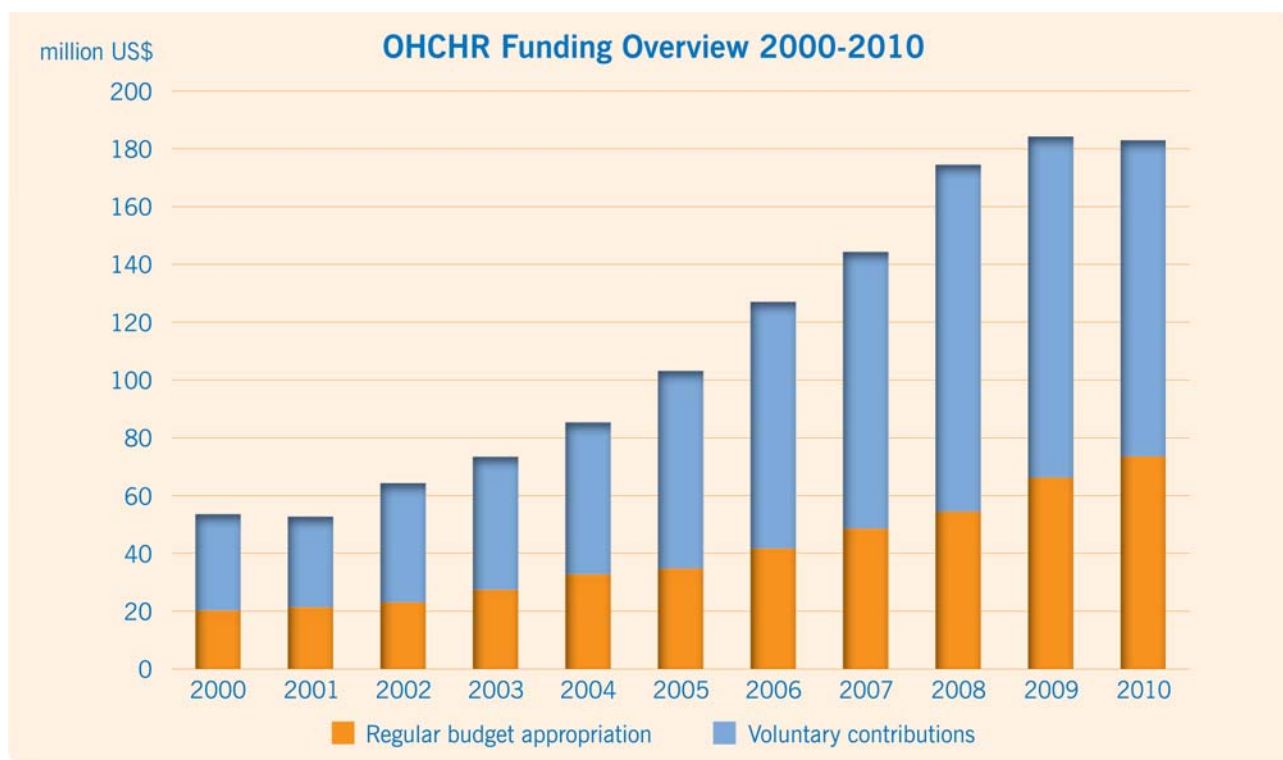
## Context

In 2010, 40 per cent of OHCHR's global funding needs were met from the United Nations' regular budget, with the remainder met from voluntary contributions by Member States and other donors. The United Nations regular budget, approved by the General Assembly every two years, is funded from assessed contributions of each Member State according to a formula that takes into account the size and strength of its national economy. The amount of regular budget funding appropriated for use by OHCHR has increased gradually since 2005, when leaders attending the World Summit supported a commitment to double funding for the Office over five years. For the 2010-2011 biennium, an amount of US\$141.4 million has been allocated to OHCHR (including resources for the support of the Human Rights Council, its mechanisms and mandates, as well as the treaty body system), compared with US\$120.6 million in 2008-2009, US\$83.4 million in 2006-2007 and US\$67.6 million in 2004-2005. While the upward trend in regular budgetary support for human rights work is welcome, the proportion of the overall United Nations Secretariat regular budget devoted to human rights, even after the recent increases, remains small, at just 2.8 per cent of the total 2010-2011 budget.

The level of voluntary funding for OHCHR's work has also increased strongly in recent years, rising from US\$52.5 million in 2004 to a peak of US\$119.9 million in 2008 before slipping slightly in 2009 to US\$118.1 million and more sharply in 2010 to US\$109.4 million. The share of funding provided without earmarking likewise has grown steadily, rising from 20 per cent in 2004 to 56 per cent in 2009 and dropping slightly to 54 per cent in 2010. About 59 per cent of voluntary funding in 2010 was used to support the Office's work in the field, which receives relatively little support from the regular budget; the remainder was distributed between other areas of the Office's work, often supplementing the limited resources made available under the regular budget and enabling the Office to achieve greater impact in these areas than would otherwise be possible.

## Who funds OHCHR?

The table overleaf lists, in descending order, all donors that voluntarily contributed in 2010. As in previous years, the overwhelming majority of voluntary contributions came from Member States, which provided US\$98.9 million, or 90.4 per cent of all contributions. International organizations, including the European Commission and UN partners, contributed a further US\$10.5 million, or 9.6 per cent.



## Voluntary contributions to OHCHR in 2010

This table refers to the total amount of voluntary contributions for 2010  
(including contributions to the Humanitarian Funds)

Donor	US\$	Donor	US\$
1 United States of America	18,625,000	37 UNIFEM <sup>5</sup>	94,269
2 Norway	11,351,162	38 Colombia	80,000
3 Netherlands	10,279,253	39 South Africa	70,571
4 Sweden	8,421,862	40 Algeria	60,000
5 Spain	6,855,401	41 India	50,000
6 European Commission	6,796,842	42 Slovenia	50,000
7 Germany	6,378,447	43 United Arab Emirates	29,977
8 United Kingdom	5,429,354	44 Monaco	28,860
9 Finland	3,779,143	45 Andorra	28,550
10 Canada	3,041,987	46 Cyprus	28,178
11 France	2,774,133	47 Chile	25,000
12 Denmark	2,764,261	48 Kazakhstan	25,000
13 Ireland	2,621,232	49 Estonia	24,361
14 New Zealand	2,585,100	50 Czech Republic	20,543
15 Switzerland	2,486,600	51 China	20,000
16 UNDP <sup>1</sup>	2,130,511	52 Iceland	20,000
17 Russian Federation	2,000,000	53 Indonesia	20,000
18 Australia	1,997,635	54 Malaysia	20,000
19 Belgium	1,082,251	55 Thailand	20,000
20 Morocco	1,003,000	56 Norwegian Refugee Council	13,285
21 Brazil	1,000,000	57 Costa Rica	12,727
22 Austria	836,862	58 Georgia	10,000
23 Japan	714,414	59 Oman	10,000
24 CERF <sup>2</sup>	649,555	60 Uruguay	10,000
25 UNFPA <sup>3</sup>	565,712	61 Slovakia	9,990
26 Qatar	510,000	62 Argentina	9,336
27 Korea, Rep. of	380,000	63 Egypt	5,000
28 Kuwait	310,000	64 Israel	5,000
29 OIF <sup>4</sup>	233,101	65 Pakistan	4,728
30 Luxembourg	201,389	66 Nicaragua	2,739
31 Saudi Arabia	150,000	67 Holy See	2,453
32 Greece	131,062	68 Mauritius	2,000
33 Turkey	126,000	69 Panama	2,000
34 Mexico	117,353	70 Afghanistan	1,985
35 Liechtenstein	115,314	71 Armenia	1,500
36 Portugal	100,000		
Other individual donors			515
			<b>Total 109,362,504</b>

<sup>1</sup> UN Development Programme.

<sup>2</sup> UN Central Emergency Response Fund.

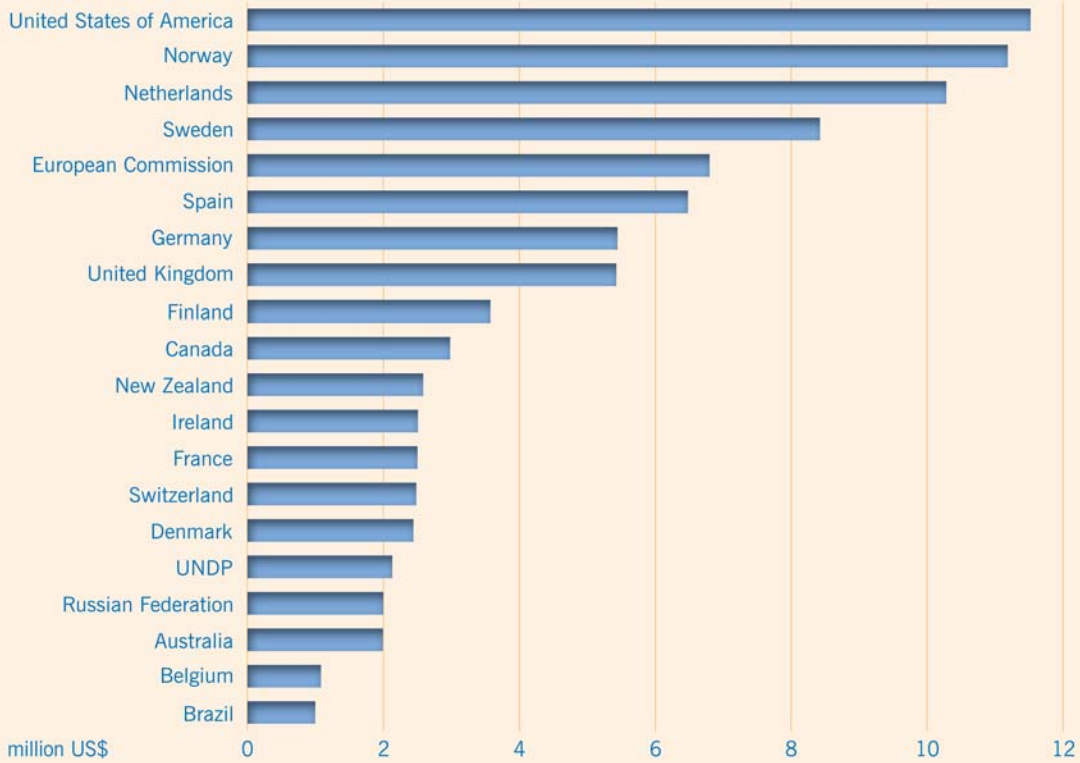
<sup>3</sup> UN Population Fund.

<sup>4</sup> Organisation Internationale de la Francophonie.

<sup>5</sup> UN Development Fund for Women.

Source: Integrated Management Information System (IMIS).

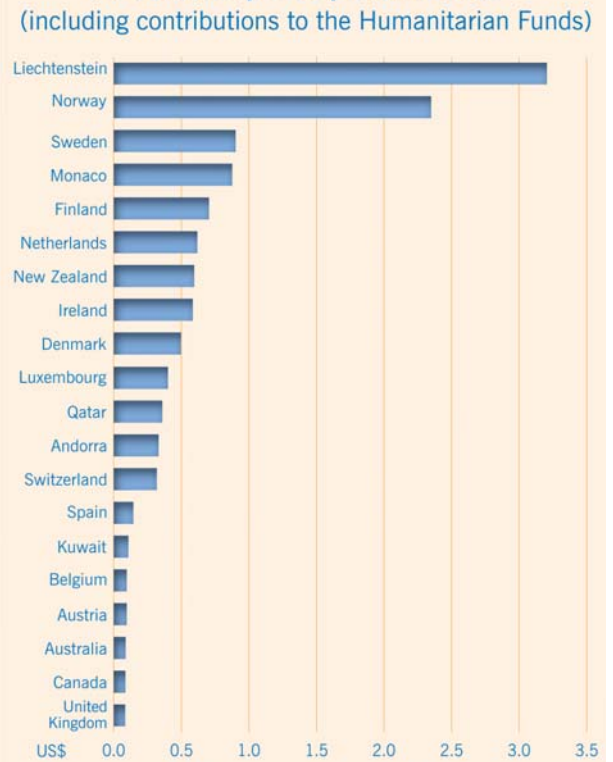
### Voluntary contributions from top 20 donors to OHCHR's work in 2010 (excluding contributions to the Humanitarian Funds)



### Voluntary contributions from top 20 donors to OHCHR in 2010 (including contributions to the Humanitarian Funds)



### Voluntary contributions from top 20 donors to OHCHR per capita in 2010\* (including contributions to the Humanitarian Funds)



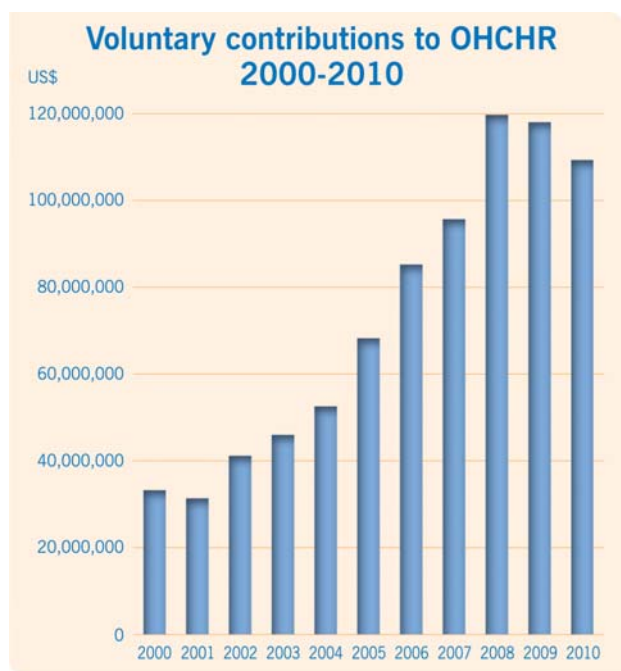
\*Sources: based on 2010 voluntary contributions from OHCHR's donors (Member States) and 2009 population figures from the World Bank Data Profiles.

## Funding trends

### Level of contributions

After seven years of growth, the level of voluntary contributions stalled in 2009 and dropped in 2010. Total contributions slipped from US\$119.9 million in 2008 to US\$118.1 million in 2009 and dropped to US\$109.4 million in 2010, against a published budget of US\$129.7 million. Additional income, including interest and miscellaneous income, brought the total available income to US\$113.8 million. Expenditures amounted to US\$125.5 million. Therefore, for the first time in six years, the actual income was lower than expenditures by some US\$11.7 million.

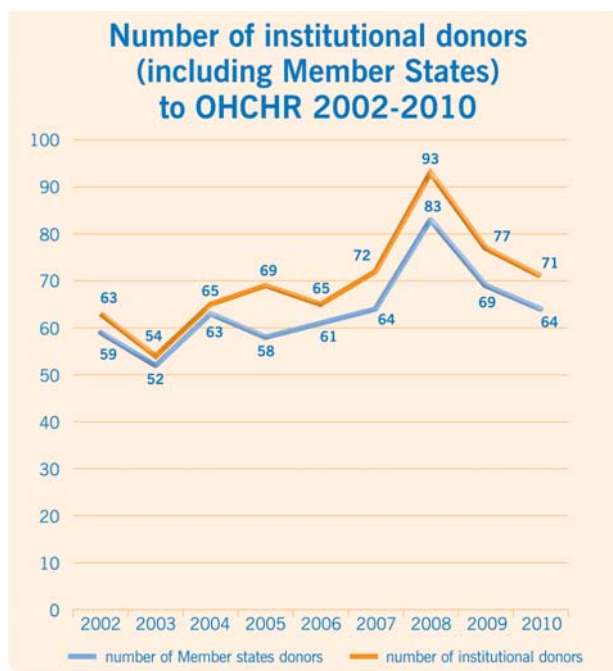
This outcome reflects the impact of the global economic crisis, which prompted many governments to review their funding commitments.



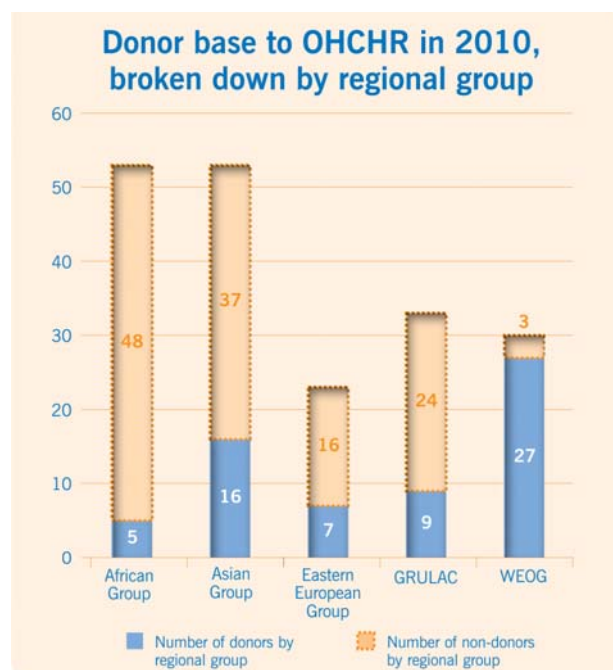
### Number of donors

The number of donors continued to decrease in 2010. While 2008 saw a great leap forward in terms of broadening OHCHR's donor base up to 83 Member States, following a special appeal in the context of the sixtieth anniversary of the Universal Declaration of Human Rights, in 2009 and 2010, this number dropped sharply despite efforts to consolidate the expanded donor base. OHCHR received financial support from 69 Member States in 2009 and only 64 Member States in 2010 (i.e. 19 fewer than in 2008, or back to the 2007 level).

The 2008 special appeal succeeded in attracting a number of first-time donors and also a number of very irregular donors. It has proven especially difficult in the current economic context to persuade new donors to commit funding or irregular donors to renew their support.



Of the 64 Member States that contributed in 2010, 27 (more than one-third) were members of the United Nations' Western and Other Group (WEOG), 16 were from the Asian Group, seven from the Eastern European Group, nine from the Latin America and Caribbean Group (GRULAC), and five were from the African Group.

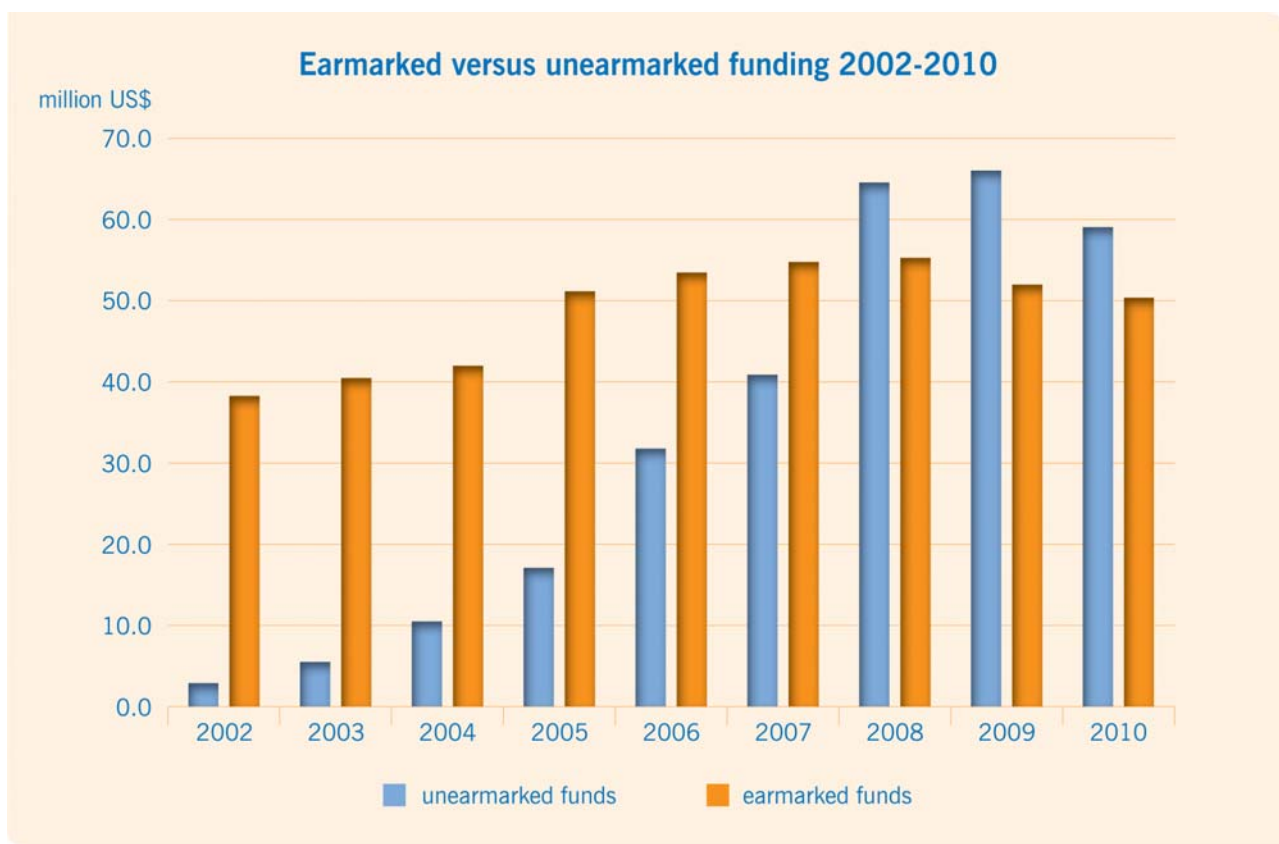


### Earmarking

Despite the regrettable decrease in overall funding to OHCHR, the proportion of funding free of earmarking remained relatively stable in 2010, with 54 per cent of all contributions – or US\$59.3 million – provided unearmarked (down from 56 per cent or US\$66.1 million in 2009).

The large proportion in unearmarked funding follows repeated appeals by the High Commissioner for donors to provide more of their support without

earmarking, thereby giving the Office more flexibility and autonomy in allocating resources. During 2010, OHCHR donor and external relations officers used every appropriate opportunity to make the case for more unearmarked funding, securing agreement from 49 donors to provide at least part of their support free of earmarking, as well as a number of donors to increase the proportion of funds provided without earmarking (including Afghanistan, Australia, China, Costa Rica, Cyprus, Georgia, Indonesia, Mauritius, Mexico, Norway, Oman, Portugal, Qatar, South Africa, Switzerland and Uruguay).

















## Unearmarked voluntary contributions to OHCHR in 2010














Donor	unearmarked funding in US\$	percentage of donor's contribution	
1	Netherlands	9,436,435	91,8%
2	United States of America	7,000,000	37,6%
3	Norway	6,387,012	56,3%
4	European Commission	6,231,151	91,7%
5	Spain	4,417,671	64,4%
6	United Kingdom	3,961,965	73,0%
7	Sweden	3,168,044	37,6%
8	Canada	2,984,184	98,1%
9	New Zealand	2,585,100	100,0%
10	Denmark	2,084,558	75,4%
11	Ireland	1,834,862	70,0%
12	France	1,749,664	63,1%
13	Australia	1,565,378	78,4%
14	Finland	1,233,046	32,6%
15	Belgium	1,082,251	100,0%
16	Morocco	1,000,000	99,7%
17	Switzerland	516,529	20,8%
18	Russian Federation	500,000	25,0%
19	Kuwait	200,000	64,5%
20	Luxembourg	166,667	82,8%
21	Qatar	160,000	31,4%
22	Saudi Arabia	150,000	100,0%
23	Greece	131,062	100,0%
24	Mexico	100,000	85,2%
25	Portugal	100,000	100,0%
26	Turkey	100,000	79,4%
27	Liechtenstein	55,351	48,0%
28	Algeria	50,000	83,3%
29	Slovenia	50,000	100,0%
30	Monaco	28,860	100,0%
31	South Africa	25,526	36,2%
32	Kazakhstan	25,000	100,0%
33	Cyprus	24,698	87,6%
34	China	20,000	100,0%
35	Indonesia	20,000	100,0%
36	Malaysia	20,000	100,0%
37	Thailand	20,000	100,0%
38	Estonia	16,241	66,7%
39	Costa Rica	12,727	100,0%
40	Chile	10,000	40,0%
41	Georgia	10,000	100,0%
42	Oman	10,000	100,0%
43	Uruguay	10,000	100,0%
44	Slovakia	9,990	100,0%
45	Pakistan	4,728	100,0%
46	Nicaragua	2,739	100,0%
47	Mauritius	2,000	100,0%
48	Afghanistan	1,985	100,0%
49	Armenia	1,500	100,0%
Individual donors		200	38,8%
<b>Total</b>	<b>59,277,121</b>	<b>54,2%</b>	

Source: Integrated Management Information System (IMIS).

## Voluntary contributions to OHCHR from Donors in excess of \$100,000 in 2010

The distribution of funds in this table reflects earmarking by donors (as per major headings of the SMP).












	United States of America	Norway	Netherlands	Sweden	Spain	European Commission	Germany	United Kingdom	Finland	Canada	France	Denmark
												
Unearmarked	7,000,000	6,387,012	9,436,435	3,168,044	4,417,671	6,231,151	0	3,961,965	1,233,046	2,984,184	1,749,664	2,084,558
Executive Direction and Management New York and Geneva	0	0	50,000	0	0	0	0	0	0	0	0	0
<i>Subprogramme 1:</i> Human Rights Mainstreaming, Right to Development, Research and Analysis	0	41,207	391,799	0	133,869	563,852	308,261	0	0	0	0	0
<i>Subprogramme 2:</i> Supporting the Human Rights Treaty Bodies	0	494,478	0	0	177,376	0	1,300,755	824,089	0	0	0	0
<i>Subprogramme 3:</i> Advisory Services and Technical Cooperation	0	0	0	0	0	0	369,914	0	0	0	0	0
<i>Subprogramme 4:</i> Supporting the Human Rights Council and its Special Procedures	0	1,078,252	76,239	0	493,795	0	1,989,435	138,606	0	0	67,295	359,002
Support to the Programmes	0	0	0	0	0	0	0	0	0	0	0	0
Field Presences	4,525,000	3,185,388	324,780	5,253,818	1,257,857	1,839	1,479,655	504,695	2,343,878	0	687,995	0
<i>Advisory services, technical cooperation and field activities</i>	1,425,000	988,957	0	0	0	0	1,479,655	0	207,152	0	0	0
<i>Africa</i>	2,000,000	0	0	2,705,608	66,934	0	0	23,043	1,310,616	0	687,995	0
<i>Americas</i>	0	2,035,728	324,780	2,203,857	923,185	1,839	0	0	432,900	0	0	0
<i>Asia and the Pacific</i>	0	0	0	344,353	133,869	0	0	481,651	0	0	0	0
<i>Europe and Central Asia</i>	1,100,000	160,703	0	0	0	0	0	0	123,305	0	0	0
<i>Middle East and North Africa</i>	0	0	0	0	133,869	0	0	0	269,906	0	0	0
Humanitarian Trust Funds	7,100,000	164,826	0	0	374,833	0	930,427	0	202,219	57,803	269,179	320,701
<b>Total contributions by donor</b>	<b>18,625,000</b>	<b>11,351,162</b>	<b>10,279,253</b>	<b>8,421,862</b>	<b>6,855,401</b>	<b>6,796,842</b>	<b>6,378,447</b>	<b>5,429,354</b>	<b>3,779,143</b>	<b>3,041,987</b>	<b>2,774,133</b>	<b>2,764,261</b>

	Ireland 	New Zealand 	Switzerland 	UNDP 	Russian Federation 	Australia 	Belgium 	Morocco 	Brazil 	Austria 	Japan 	CERF 	UNFPA 
	1,834,862	2,585,100	516,529	0	500,000	1,565,378	1,082,251	1,000,000	0	0	0	0	0
	131,062	0	0	0	0	0	0	0	0	0	0	0	0
	111,402	0	0	0	600,000	0	0	0	0	122,100	19,414	0	0
	170,380	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	262,123	0	9,298	0	400,000	0	0	0	0	0	200,000	0	0
	0	0	0	0	0	0	0	0	0	0	40,000	0	0
	0	0	1,960,774	2,130,511	500,000	432,257	0	0	1,000,000	579,836	425,000	649,555	565,712
	0	0	1,295,337	183,345	0	0	0	0	0	134,563	0	0	0
	0	0	180,000	267,760	0	0	0	0	1,000,000	91,575	0	146,494	565,712
	0	0	0	905,664	0	0	0	0	0	262,123	0	99,510	0
	0	0	485,437	773,742	0	432,257	0	0	0	0	375,000	403,551	0
	0	0	0	0	500,000	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	91,575	50,000	0	0
	111,402	0	0	0	0	0	0	3,000	0	134,926	30,000	0	0
	<b>2,621,232</b>	<b>2,585,100</b>	<b>2,486,600</b>	<b>2,130,511</b>	<b>2,000,000</b>	<b>1,997,635</b>	<b>1,082,251</b>	<b>1,003,000</b>	<b>1,000,000</b>	<b>836,862</b>	<b>714,414</b>	<b>649,555</b>	<b>565,712</b>



## Voluntary contributions to OHCHR from Donors in excess of \$100,000 in 2010

The distribution of funds in this table reflects earmarking by donors (as per major headings of the SMP).

	Qatar 	Korea, Rep. of 	Kuwait 	Organisation internationale de la Francophonie 	Luxembourg 	Saudi Arabia 	Greece 	Turkey 	Mexico 	Liechtenstein 	Portugal 
Unearmarked	160,000	0	200,000	0	166,667	150,000	131,062	100,000	100,000	55,351	100,000
Executive Direction and Management New York and Geneva	0	0	0	0	0	0	0	0	0	0	0
<i>Subprogramme 1:</i> Human Rights Mainstreaming, Right to Development, Research and Analysis	0	0	0	0	0	0	0	0	0	0	0
<i>Subprogramme 2:</i> Supporting the Human Rights Treaty Bodies	0	0	0	55,909	0	0	0	0	0	18,450	0
<i>Subprogramme 3:</i> Advisory Services and Technical Cooperation	0	0	0	0	0	0	0	0	0	0	0
<i>Subprogramme 4:</i> Supporting the Human Rights Council and its Special Procedures	0	0	50,000	0	0	0	0	0	0	0	0
Support to the Programmes	0	0	0	0	0	0	0	0	0	0	0
Field Presences	350,000	285,000	50,000	177,193	0	0	0	0	0	18,450	0
<i>Advisory services, technical cooperation and field activities</i>	0	285,000	0	0	0	0	0	0	0	18,450	0
<i>Africa</i>	0	0	0	174,467	0	0	0	0	0	0	0
<i>Americas</i>	0	0	0	2,726	0	0	0	0	0	0	0
<i>Asia and the Pacific</i>	0	0	0	0	0	0	0	0	0	0	0
<i>Europe and Central Asia</i>	0	0	0	0	0	0	0	0	0	0	0
<i>Middle East and North Africa</i>	350,000	0	50,000	0	0	0	0	0	0	0	0
Humanitarian Trust Funds	0	95,000	10,000	0	34,722	0	0	26,000	17,353	23,063	0
<b>Total contributions by donor</b>	<b>510,000</b>	<b>380,000</b>	<b>310,000</b>	<b>233,101</b>	<b>201,389</b>	<b>150,000</b>	<b>131,062</b>	<b>126,000</b>	<b>117,353</b>	<b>115,314</b>	<b>100,000</b>

## Predictability

Predictability of funding was reinforced by the negotiation of new multi-year funding arrangements with Canada, Finland, the Netherlands, Sweden and Switzerland. In 2010, OHCHR had multi-year funding arrangements in place with 10 donors, including eight Member States (Belgium, Canada, Finland, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom) and two international organizations (the European Commission and the Organisation Internationale de la Francophonie).

## Regular budget versus voluntary contributions

Overall, 40 per cent of OHCHR's funding came from the United Nations regular budget (compared with 35.9 per cent in 2009) and 60 per cent from voluntary contributions (compared with 64.1 per cent in 2009). The noticeable shift in favour of regular budget funding reflected partly the last tranche of the increase in the regular budget appropriation as decided by Member States during the 2005 World Summit, as well as the continuing increase in Human Rights Council mandates and the growth of the treaty body system, but also the decrease in voluntary contributions compared with 2009, seen as a consequence of the economic crisis.

## Junior Professional Officers

Some Member States also provide OHCHR with additional indirect financial support through contributing to the United Nations Associate Experts Programme, which is administered by the Department of Economic and Social Affairs in New York. In 2010, OHCHR had 36 associate experts

(also known as Junior Professional Officers) supported by the following Governments: Austria, Belgium, Denmark, Finland, France, Germany, Italy, the Netherlands, Norway, Republic of Korea, Spain, Sweden and Switzerland (see table below). Italy and the Netherlands also funded associate expert posts for non-nationals.

Sponsor	Number of national associate experts	Number of non-nationals associate experts
Austria	3	
Belgium	1	
Denmark	3	
Finland	1	
France	4	
Germany	1	
Italy	1	1
Netherlands	0	2
Norway	3	
Korea, Rep. of	1	
Spain	8	
Sweden	2	
Switzerland	5	
	<b>33</b>	<b>3</b>
<b>TOTAL</b>	<b>36</b>	

## How to help

OHCHR accepts contributions from Member States, international organizations, foundations, voluntary associations, non-governmental organizations (NGOs) and individuals. If you, or the organization you represent, would like to make a contribution, please contact OHCHR's Donor and External Relations Section in Geneva. Tel: +41 22 917 96 55. Fax +41 22 917 90 04. Email: [DexRel@ohchr.org](mailto:DexRel@ohchr.org).

# Financial Statements (as at 31 December 2010)

## Statement of income and expenditure in 2010

### Activities of the High Commissioner for Human Rights

This statement indicates total funds available for activities in 2010, inclusive of new contributions carry-over, overall expenditure incurred during 2010 and total balance as at 31 December 2010

	Extrabudgetary	Regular Budget	Total
<b>SUMMARY *</b>			
Opening balance <sup>1</sup>	135,626,122	n/a	135,626,122
Adjustment <sup>2</sup>	9,052,129	n/a	9,052,129
Total income / Allotments <sup>3</sup>	113,803,436	74,718,400	188,521,836
Total funds available <sup>4</sup>	258,481,687	74,718,400	333,200,087
Expenditure <sup>5</sup>	125,518,628	67,547,942	193,066,570
Closing balance <sup>6</sup>	132,963,059	7,170,458	140,133,517

#### Notes:

- 1) The amount corresponds to the extrabudgetary closing balance reported for the activity in the 2009 Report on Activities and Results.
  - 2) Includes adjustments to prior period expenditure, savings, transfers and refunds.
  - 3) For extrabudgetary, includes all contributions received at UNOG for 2010 (US\$109,362,504) as well as interest and miscellaneous income (US\$4,440,932). For regular budget, corresponds to the amount allotted to OHCHR for 2010.
  - 4) = (1) + (2) + (3) + (4).
  - 5) Includes disbursements and unliquidated obligations as at 31 December 2010.
  - 6) The extrabudgetary amount corresponds to all funds held by UNOG as at 31 December 2010 including operating cash reserves of US\$16.6 million which were not available for activities in 2010.
- \* All figures are subject to audit.

## Statement of extrabudgetary income and expenditure in 2010

### Activities of the High Commissioner for Human Rights by Trust Fund

This statement indicates total funds available for activities in 2010, inclusive of new contributions carry-over, overall expenditure incurred during 2010 and total balance as at 31 December 2010

	VF for victims of torture	VTF on contemporary forms of slavery	VF for indigenous populations	VF for participation in the universal periodic review	VF for financial and technical assistance for the universal periodic review implementation	TF for action to combat racism and racial discrimination	VF for advisory services and technical assistance in human rights (VFTC)	TF for human rights education in Cambodia	TF for support activities of OHCHR	Total OHCHR trust funds
<b>SUMMARY *</b>										
Opening balance <sup>1</sup>	17,104,283	1,612,505	1,034,043	1,294,043	539,465	830,534	19,331,601	1,461,945	92,417,703	135,626,122
Adjustment <sup>2</sup>	273,037	52,828	22,195	22,409	0	47,374	2,102,719	417,604	6,113,963	9,052,129
Income from contributions <sup>3</sup>	9,434,026	485,130	149,326	682,279	358,025	0	15,860,966	494,353	81,898,399	109,362,504
Other income available <sup>4</sup>	303,806	59,970	18,936	37,608	10,652	24,735	934,223	89,503	2,961,499	4,440,932
Total funds available <sup>5</sup>	27,115,152	2,210,433	1,224,500	2,036,339	908,142	902,643	38,229,509	2,463,405	183,391,564	258,481,687
Expenditure <sup>6</sup>	13,034,465	920,830	551,460	373,303	338,712	3,703	17,748,020	936,652	91,611,483	125,518,628
Closing balance <sup>7</sup>	14,080,687	1,289,603	673,040	1,663,036	569,430	898,940	20,481,489	1,526,753	91,780,081	132,963,059

#### Notes:

- 1) Corresponds to the closing balance reported for the activity in the 2009 Report on Activities and Results.
  - 2) Includes adjustments to prior period expenditure, savings, transfers and refunds.
  - 3) Includes all contributions received in the UNOG accounts during 2010.
  - 4) Includes interest and miscellaneous income.
  - 5) = (1) + (2) + (3) + (4).
  - 6) Includes disbursements and unliquidated obligations as at 31 December 2010.
  - 7) Corresponds to all funds held by UNOG as at 31 December 2010 including operating cash reserves of US\$16.6 million which were not available for activities in 2010.
- \* All figures are subject to audit.

## RB & XB funds made available to OHCHR programmes in 2010

### Overall summary *(in thousands of US\$)*

OHCHR Programmes	Regular budget allotment		Total XB income		XB income (earmarked vs unearmarked)			
	(a)	% (a)/total RB	(b)	% (b)/total XB	Earmarked (c)	% (c)/(b)	Unearmarked* (d)	% (d)/(b)
<b>HEADQUARTERS</b>								
Executive Direction and Management (EDM)	8,481.0	11.35%	8,524.8	7.49%	364.4	4.27%	8,160.4	95.73%
Policy-making Organs	6,066.6	8.12%	-	-	-	-	-	-
<b>Programme of work (subprogramme 1 to 4)</b>								
Subprogramme 1 - Human Rights mainstreaming, Right to Development, Research and Analysis	10,745.0	14.38%	12,344.1	10.85%	2,557.4	20.72%	9,786.7	79.28%
Subprogramme 2 - Supporting the Human Rights Treaty Bodies	8,632.5	11.55%	4,850.4	4.26%	3,043.4	62.75%	1,807.0	37.25%
Subprogramme 3 - Advisory services and Technical cooperation	11,630.3	15.57%	10,241.9	9.00%	736.3	7.19%	9,505.6	92.81%
Subprogramme 4 - Human Rights Council Branch	6,795.0	9.09%	2,014.1	1.77%	682.3	33.88%	1,331.8	66.12%
Subprogramme 4 - Special Procedures Branch	7,779.1	10.41%	5,139.1	4.52%	4,067.1	79.14%	1,072.0	20.86%
<b>Total Programme of Work</b>	<b>45,581.9</b>	<b>61.00%</b>	<b>34,589.6</b>	<b>30.39%</b>	<b>11,086.5</b>	<b>32.05%</b>	<b>23,503.1</b>	<b>67.95%</b>
Support to the Programmes	6,048.6	8.10%	1,903.2	1.67%	40.0	2.10%	1,863.2	97.90%
<b>TOTAL HEADQUARTERS</b>	<b>66,178.1</b>	<b>88.57%</b>	<b>45,017.6</b>	<b>39.56%</b>	<b>11,490.9</b>	<b>25.53%</b>	<b>33,526.7</b>	<b>74.47%</b>
<b>TOTAL FIELD PRESENCES</b>	<b>8,540.3</b>	<b>11.43%</b>	<b>54,340.9</b>	<b>47.75%</b>	<b>28,441.4</b>	<b>52.34%</b>	<b>25,899.5</b>	<b>47.66%</b>
<b>TOTAL HQ AND FIELD PRESENCES</b>	<b>74,718.4</b>	<b>100.00%</b>	<b>99,358.5</b>	<b>87.31%</b>	<b>39,932.3</b>	<b>40.19%</b>	<b>59,426.2</b>	<b>59.81%</b>
<b>Humanitarian Trust Funds</b>								
Voluntary Fund for Victims of Torture	-	-	9,737.8	-	9,434.0	96.88%	303.8	3.12%
Voluntary Fund for Indigenous Populations	-	-	168.3	-	149.3	88.71%	19.0	11.29%
Voluntary Trust Fund on Contemporary Forms of Slavery	-	-	545.1	-	485.1	88.99%	60.0	11.01%
<b>Total Humanitarian Trust Funds</b>	<b>0.0</b>	<b>0.00%</b>	<b>10,451.2</b>	<b>9.18%</b>	<b>10,068.4</b>	<b>96.34%</b>	<b>382.8</b>	<b>3.66%</b>
Other income not reported above/not allocated	0.0	0.0	3,993.7	3.51%	0.0	0.00%	3,993.7	100.00%
<b>TOTAL</b>	<b>74,718.4</b>	<b>100.00%</b>	<b>113,803.4</b>	<b>100.00%</b>	<b>50,000.7</b>	<b>43.94%</b>	<b>63,802.7</b>	<b>56.06%</b>
<b>GRAND TOTAL</b>	<b>188,521.8</b>			<b>113,803.4</b>				

\* allocated by OHCHR in 2010.

## OHCHR regular budget expenditure in 2010 by programme (in thousands of US\$)

	Allotment 2010	Expenditure 2010
<b>Headquarters</b>		
Executive Direction and Management <sup>1</sup>	8,481.0	7,548.3
Policy-making Organs	6,066.6	5,744.1
Programme of Work		
Subprogramme 1: Human Rights Mainstreaming, Right to Development, Research and Analysis	10,745.0	9,433.7
Subprogramme 2: Supporting the Human Rights Treaty Bodies	8,632.5	7,753.6
Subprogramme 3: Advisory Services and Technical Cooperation	11,630.3	10,331.2
Subprogramme 4: Supporting the Human Rights Council and its Special Procedures	14,574.1	13,602.6
Total Programme of Work - Headquarters	45,581.9	41,121.1
Programme Support and Management Services	6,048.6	5,924.8
<b>Sub-total Headquarters</b>	<b>66,178.1</b>	<b>60,338.3</b>
<b>Field presences</b>		
Subprogramme 3: Field Operations and Technical Cooperation Division <sup>2</sup>	6,850.2	5,908.9
Regular Programme of Technical Cooperation (sec.22) Advisory Services, Technical Cooperation and Field Activities	1,690.1	1,300.8
<b>Sub-total Field presences</b>	<b>8,540.3</b>	<b>7,209.7</b>
<b>GRAND TOTAL<sup>3</sup></b>	<b>74,718.4</b>	<b>67,548.0</b>

1) Includes 2010 allotment of US\$1,204.8 and expenditure of US\$628.5 for panel of experts on Sri Lanka.

2) Includes Cambodia, Yaoundé Sub-regional Centre, Regional Offices in Panama, Dakar, Bishkek, Brussels, and Santiago de Chile.

3) At mid-biennium as at 31 December 2010. Balance will be used in 2011.



## Extrabudgetary income and expenditure in 2010

### Overall summary (in thousands of US\$)

OHCHR's Programmes	Revised requirements 2010-2011	Income 2010	Expenditure 2010	Projected requirements 2011
<b>HEADQUARTERS</b>				
<b>Executive Direction and Management (EDM)</b>				
Office of the High Commissioner	2,249.9	1,170.3	1,089.5	1,160.4
Civil Society Liaison	935.7	407.2	423.4	512.3
Donor and External Relations	3,374.0	1,861.0	1,610.6	1,763.4
Communications	3,550.7	1,577.7	1,516.3	2,034.4
Documentation Processing Unit	850.5	0.0	0.0	850.5
New York Office	2,415.8	616.5	717.3	1,698.5
New York Office - Project for reparations for victims of sexual violence in the Democratic Republic of Congo */	764.4	705.3	764.4	0.0
New York Office - MDTF Joint programme for UN Action against sexual violence in armed conflict (SCR 1888) **/	0.0	183.3	0.0	0.0
Policy, Planning Monitoring and Evaluation	1,220.7	223.3	388.5	832.2
Safety and Security Unit	3,195.6	1,780.2	1,551.6	1,644.0
<b>Sub-total</b>	<b>18,557.3</b>	<b>8,524.8</b>	<b>8,061.6</b>	<b>10,495.7</b>
<b>Programme of Work (subprogramme 1 to 4)</b>				
<b>Subprogramme 1 - Human Rights Mainstreaming, Right to Development, Research and Analysis (RRDD)</b>				
Coordination and Management	1,952.3	1,026.5	927.8	1,024.5
Anti-discrimination	2,760.5	1,155.7	1,197.6	1,562.9
Indigenous Peoples and Minorities	3,152.9	1,444.6	1,803.9	1,349.0
Project for developing Indigenous networks and strengthening their capacities */	903.7	903.7	903.7	0.0
Women's Human Rights and Gender	3,584.5	958.6	1,279.3	2,305.2
Rule of Law and Democracy	3,176.9	1,470.5	1,518.6	1,658.3
MDGs and HR-based Approach	1,365.4	475.5	707.8	657.6
HIV and AIDS	515.4	267.4	239.9	275.5
Economic and Social Issues	1,511.8	889.8	748.6	763.2
Business and Human Rights	221.9	100.0	75.0	146.9
Right to Development	1,047.8	633.1	553.8	494.0
Support to UNDG Human Rights Mainstreaming mechanism */	114.6	114.6	114.6	0.0
Methodology, Education and Training	4,943.4	2,278.0	2,380.7	2,562.7
Indicators	113.2	0.0	0.0	113.2
Migration	113.2	0.0	0.0	113.2
Trafficking	265.6	244.6	265.6	0.0
Disabilities	662.0	356.8	341.5	320.5
Trust Fund for Durban Review Conference and Follow-up	3.6	24.7	3.6	0.0
<b>Sub-total</b>	<b>26,408.7</b>	<b>12,344.1</b>	<b>13,062.0</b>	<b>13,346.7</b>
<b>Subprogramme 2 - Supporting the Human Rights Treaty Bodies (HRTD)</b>				
Human Rights Treaties Branch	9,451.4	4,850.4	4,682.3	4,769.1
<b>Sub-total</b>	<b>9,451.4</b>	<b>4,850.4</b>	<b>4,682.3</b>	<b>4,769.1</b>
<b>Subprogramme 3 - Advisory Services and Technical Cooperation (FOTCD)</b>				
Coordination and Management	2,038.2	286.9	942.5	1,095.7
Africa	5,187.8	2,006.4	2,287.5	2,900.3
Americas	1,592.0	768.8	789.3	802.7
Asia and the Pacific	3,009.9	1,583.8	1,511.5	1,498.4
Europe and Central Asia	2,882.0	1,403.8	1,418.6	1,463.4
Middle East and North Africa	1,923.8	934.8	970.6	953.2
National Institutions	3,227.8	1,306.8	1,600.8	1,627.0
Rapid Response and Peace Missions	3,336.0	1,581.9	1,585.3	1,750.7
Trust Fund for Implementation of the UPR	692.7	368.7 a/	338.7	354.0
<b>Sub-total</b>	<b>23,890.2</b>	<b>10,241.9 b/</b>	<b>11,444.8</b>	<b>12,445.4</b>

a/ Corrigendum: 268.7.

b/ Corrigendum: 10,141.9

OHCHR's Programmes	Revised requirements 2010-2011	Income 2010	Expenditure 2010	Projected requirements 2011
<b>Subprogramme 4 - Supporting the Human Rights Council and its Special Procedures (HRCSPD)</b>				
Coordination and Management	456.7	265.2	191.3	265.4
Human Rights Council	2,077.3	869.4	876.5	1,200.8
Special Procedures	11,448.2	5,139.1	5,490.6	5,957.6
Human Rights Council and UPR Webcasting	219.2	159.6	106.8	112.4
Trust Fund for Participation in the UPR	1,231.4	719.9 c/	373.3	858.1
<b>Sub-total</b>	<b>15,432.8</b>	<b>7,153.2 d/</b>	<b>7,038.5</b>	<b>8,394.3</b>
<b>Total Programme of Work (subprogramme 1 to 4)</b>	<b>75,183.1</b>	<b>34,589.6</b>	<b>36,227.6</b>	<b>38,955.5</b>

<b>Support to the Programmes</b>				
Programme Support and Management Services	308.8	158.8	158.8	150.0
Information Technologies Section	3,339.6	1,188.3	1,556.6	1,783.0
Human Rights Case Database Project	2,336.9	556.1	1,137.8	1,199.1
<b>Sub-total</b>	<b>5,985.3</b>	<b>1,903.2</b>	<b>2,853.2</b>	<b>3,132.1</b>
<b>TOTAL HEADQUARTERS</b>	<b>99,725.7</b>	<b>45,017.6</b>	<b>47,142.4</b>	<b>52,583.3</b>

<b>FIELD PRESENCES</b>				
<b>AFRICA</b>				
Burundi - Peace Mission Support	3,151.9	1,927.5	1,708.2	1,443.7
Central Africa, Yaoundé - Sub-regional Centre	654.5	134.9	354.3	300.2
Chad - Human Rights Adviser	505.7	0.0	0.0	505.7
Central African Republic - Peace Mission Support	31.8	0.0	0.0	31.8
Central African Republic - Joint project for Human Rights Protection (CERF) **/	0.0	146.5	0.0	0.0
Côte d'Ivoire - Peace Mission Support	353.0	107.2	172.2	180.8
Democratic Republic of the Congo - Peace Mission Support	580.9	66.9	321.4	259.5
Democratic Republic of the Congo - Joint projects to fight impunity against sexual violence in West Congo, South and North Kivu	2,856.4	1,942.2	1,912.7	943.7
Democratic Republic of the Congo - Joint Protection Team in Eastern Congo */	1,186.6	2,000.0	0.0	1,186.6
East Africa, Addis Ababa - Regional Office	2,135.1	963.5	1,046.7	1,088.4
Great Lakes, Burundi - Human Rights Adviser	730.5	395.4	368.1	362.4
Guinea - Human Rights Adviser	465.2	449.8	465.2	0.0
Guinea - Country Office	2,957.4	1,981.6	1,257.4	1,700.0
Guinea - Human Rights monitoring and reporting in the context of the 2010 presidential elections */	207.6	221.6	207.6	0.0
Guinea-Bissau - Peace Mission Support	22.6	0.0	0.0	22.6
Kenya - Human Rights Adviser	1,944.7	586.4	996.1	948.6
Liberia - Peace Mission Support	143.6	16.4	70.1	73.5
Madagascar - Human Rights Adviser	306.7	88.4	0.0	306.7
Niger - Human Rights Adviser	670.9	261.0	357.1	313.8
Rwanda - Human Rights Adviser	573.9	146.4	296.2	277.7
Sierra Leone - Peace Mission Support	830.8	75.9	425.7	405.1
Sierra Leone - MDTF Joint programme for Peace Museum **/	0.0	195.0	0.0	0.0
Somalia - Peace Mission Support	619.5	200.1	270.7	348.8
Southern Africa, Pretoria - Regional Office	2,208.6	1,135.1	1,161.7	1,046.9
Sudan - Peace Mission Support	778.6	(851.9)	351.0	427.6
Sudan - Strengthening the human rights capacity in Darfur */	341.2	188.1	168.1	173.1
Togo - Country Office	2,981.1	1,448.1	1,355.9	1,625.2
Uganda - Country Office	7,209.4	2,724.4	3,542.0	3,667.4
Uganda - MDTF and UNIFEM Joint programmes for gender equality and women's access to justice */	180.3	185.2	180.3	0.0
Zimbabwe - Human Rights Adviser	232.1	79.4	0.0	232.1
West Africa, Dakar - Regional Office	682.0	243.5	331.2	350.8
<b>Sub-total Africa</b>	<b>35,542.6</b>	<b>17,058.6</b>	<b>17,319.9</b>	<b>18,222.7</b>

c/ Corrigendum: 819.9

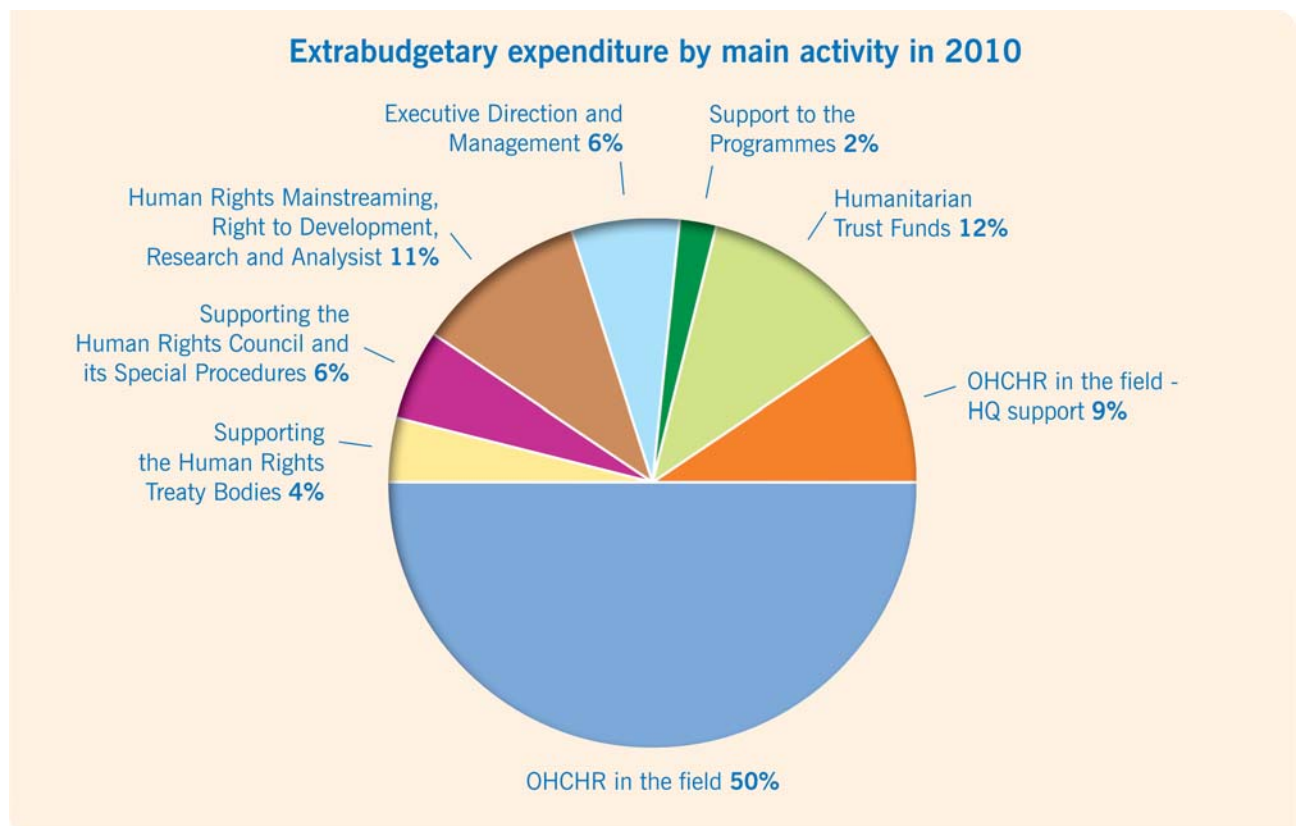
d/ Corrigendum: 7,253.2

OHCHR's Programmes	Revised requirements 2010-2011	Income 2010	Expenditure 2010	Projected requirements 2011
<b>AMERICAS</b>				
Bolivia - Country Office	3,299.8	1,201.7	1,608.8	1,691.0
Bolivia - MDTF joint programme for support to the transitional process of the democratic model in Bolivia **/	96.1	331.7	96.1	0.0
Central America, Panama - Regional Office	202.1	80.5	85.7	116.4
Central America - Joint projects for Indigenous Peoples and Afro-descendant Populations in Central America */	1,019.2	500.8	498.1	521.1
Colombia - Country Office	17,020.6	8,867.2	8,063.7	8,956.9
Colombia - National Human Rights Education Plan	744.0	0.0	0.0	744.0
Ecuador - Human Rights Adviser	1,039.1	430.0	496.4	542.7
Guatemala - Country Office	7,834.4	1,899.3	4,109.0	3,725.4
Guatemala - MDTF joint programme for Indigenous Peoples' Rights */	828.6	777.2	828.6	0.0
Haiti - Peace Mission Support	206.6	2.8	0.0	206.6
Haiti Earthquake Response */	2,639.6	2,071.0	1,497.6	1,142.0
Honduras - Human Rights Adviser	549.7	545.4	537.3	12.4
Mexico - Country Office	4,998.0	1,402.7	2,518.2	2,479.8
Nicaragua - Human Rights Adviser	217.6	101.3	217.6	0.0
Paraguay - Human Rights Adviser	778.7	398.7	233.7	545.0
South America, Chile - Regional Office	1,506.8	385.9	581.8	925.0
<b>Sub-total Americas</b>	<b>42,980.9</b>	<b>18,996.2</b>	<b>21,372.6</b>	<b>21,608.3</b>
<b>ASIA AND THE PACIFIC</b>				
Afghanistan - Peace Mission Support	2,095.2	293.8	1,196.4	898.8
Cambodia - Country Office	2,158.9	583.9	906.9	1,252.0
Indonesia - Human Rights Adviser	200.2	127.4	200.2	0.0
Nepal - Country Office	13,539.8	5,073.4	6,843.2	6,696.6
Nepal - MDTF/PBF joint programme for transitional justice */	1,157.8	17.2	1,157.8	0.0
Nepal - MDTF/PBF joint programmes for reparations, conflicts and child rights violations */	315.4	753.9	315.4	0.0
Pacific, Suva - Regional Office	1,705.1	500.0	902.1	803.0
Papua New Guinea - Human Rights Adviser	784.0	290.3	426.2	357.8
Papua New Guinea - MDTF/UN Country Programme */	19.8	19.8	19.8	0.0
South-East Asia, Bangkok - Regional Office	1,858.1	1,212.5	1,210.0	648.1
Sri Lanka - Human Rights Adviser	870.4	150.4	411.7	458.7
Timor-Leste - Peace Mission Support	1,364.4	546.0	673.4	691.0
<b>Sub-total Asia and the Pacific</b>	<b>26,069.1</b>	<b>9,568.6</b>	<b>14,263.1</b>	<b>11,806.0</b>
<b>EUROPE AND CENTRAL ASIA</b>				
Albania - Human Rights Adviser (Action 2)	133.1	4.0	133.1	0.0
Central Asia, Bishkek - Regional Office	1,241.6	347.1	566.3	675.3
Europe, Brussels - Regional Office	1,198.5	205.8	543.8	654.7
Province of Kosovo - Stand-alone Office	1,452.5	487.5	618.5	834.0
Kyrgyzstan */	2,985.5	1,946.1	985.5	2,000.0
Moldova - Human Rights Adviser	517.6	201.7	245.9	271.7
Russian Federation - Human Rights Adviser	2,295.6	809.1	847.4	1,448.2
South Caucasus - Human Rights Adviser	1,951.2	1,072.2	827.9	1,123.3
Ukraine - Human Rights Adviser	175.5	48.4	0.0	175.5
<b>Sub-total Europe and Central Asia</b>	<b>11,951.1</b>	<b>5,121.9</b>	<b>4,768.4</b>	<b>7,182.7</b>
<b>MIDDLE EAST AND NORTH AFRICA</b>				
Iraq - Peace Mission Support	173.3	0.0	0.0	173.3
Mauritania - Country Office	1,404.9	429.6	377.2	1,027.7
Middle East, Beirut - Regional Office	2,980.9	877.0	1,452.4	1,528.5
North Africa - Regional Office	48.0	0.0	0.0	48.0
Occupied Palestinian Territory - Stand-alone Office	5,030.6	1,575.2	2,234.4	2,796.2
Qatar - South-West Asia and the Arab Region Training and Documentation Centre	1,707.8	641.3	702.0	1,005.8

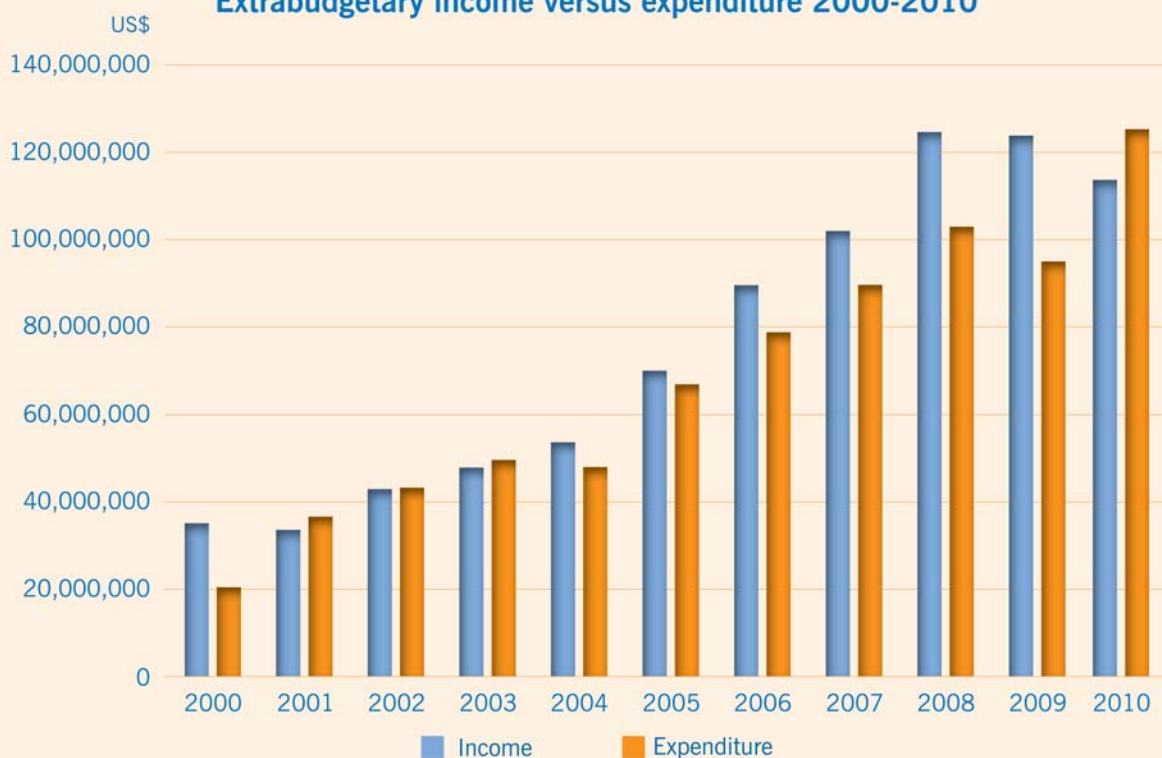
OHCHR's Programmes	Revised requirements 2010-2011	Income 2010	Expenditure 2010	Projected requirements 2011
Yemen - Human Rights Adviser	231.9	72.5	2.8	229.1
<b>Sub-total Middle East and North Africa</b>	<b>11,577.4</b>	<b>3,595.6</b>	<b>4,768.8</b>	<b>6,808.6</b>
<b>TOTAL FIELD PRESENCES</b>	<b>128,121.1</b>	<b>54,340.9</b>	<b>62,492.8</b>	<b>65,628.3</b>
<b>TOTAL HEADQUARTERS AND FIELD PRESENCES</b>	<b>227,846.8</b>	<b>99,358.5</b>	<b>109,635.2</b>	<b>118,211.6</b>
<b>HUMANITARIAN TRUST FUNDS</b>				
Voluntary Fund for Victims of Torture	27,283.8	9,737.8	13,034.5	14,249.3
Voluntary Fund for Indigenous Populations	1,070.8	168.3	551.1	519.7
Voluntary Trust Fund on Contemporary Forms of Slavery	2,006.8	545.1	920.8	1,086.0
<b>TOTAL HUMANITARIAN TRUST FUNDS</b>	<b>30,361.4</b>	<b>10,451.2</b>	<b>14,506.4</b>	<b>15,855.0</b>
Other income/expenditure not reported above	1,377.0	3,993.7	1,377.0	0.0
<b>GRAND TOTAL OHCHR</b>	<b>259,585.2</b>	<b>113,803.4</b>	<b>125,518.6</b>	<b>134,066.6</b>

\* / Additional programmes' activities approved by the Strategic Management Team during 2010

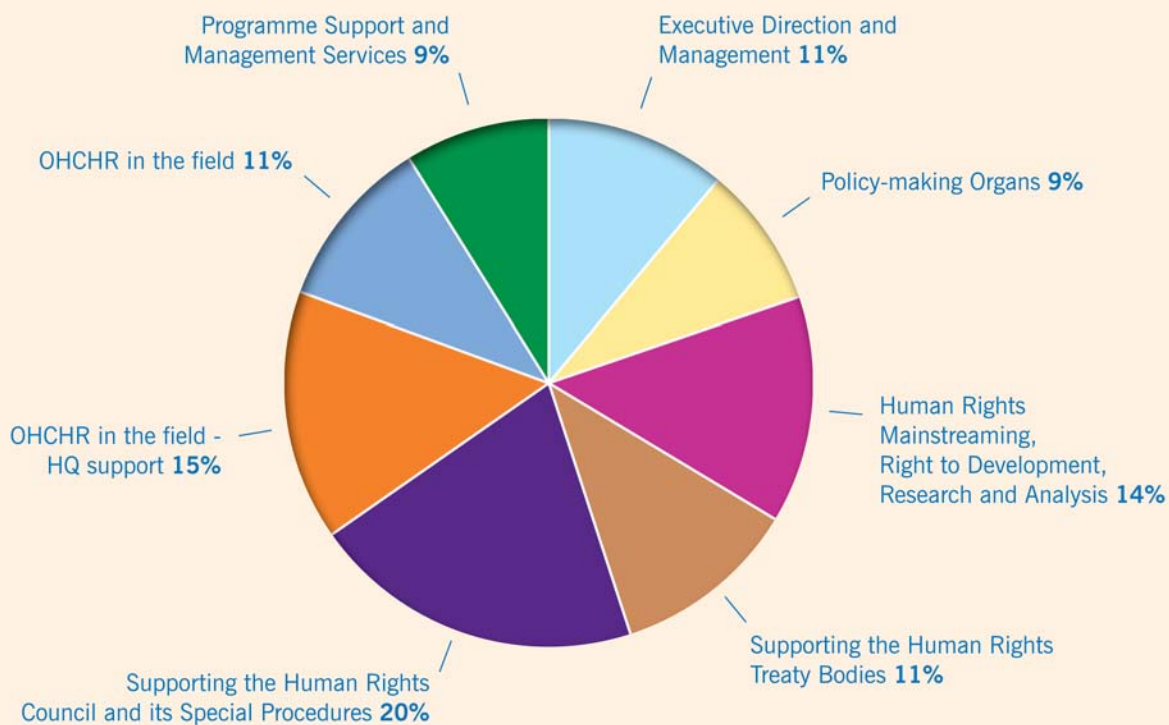
\*\* / Additional programmes' activities to be approved by the Strategic Management Team for 2011



### Extrabudgetary income versus expenditure 2000-2010



### Regular budget expenditure by main activity in 2010



# Funds administered by OHCHR

Voluntary contributions to support OHCHR's activities at headquarters and in the field are channeled and managed through nine trust funds. This chapter provides a short description of each of these funds, including information on voluntary contributions received in 2010 for each of them. Additional financial information related to these funds can be found in the statement of extrabudgetary income and expenditure in 2010 (on page 88).

In addition, this chapter describes two small funds managed by OHCHR, although they are not established as separate trust funds under the United Nations Financial Regulations and Rules (the OPCAT Special Fund and the Contingency Fund).

## United Nations Trust Fund for the Support of the Activities of the High Commissioner for Human Rights

The United Nations Trust Fund for the Support of the Activities of the High Commissioner for Human Rights was established by the Secretary-General in 1993 to cover contributions intended to support the substantive work programme of the then Centre for Human Rights, and to supplement existing regular budget resources. The Fund has since been used as a general funding pool to support a wide range of OHCHR activities. It is the largest fund administered by OHCHR, through which approximately 70 per cent of all extrabudgetary funds available (including unearmarked funds) and of expenditure incurred in 2010 were managed.

Detailed information on activities implemented and voluntary contributions managed through this fund are described throughout the chapters presented in the enclosed CD.

## United Nations Voluntary Fund for Technical Cooperation

The United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights was established by the Secretary-General in 1987 in response to the former Commission on Human

Rights resolution 1987/83. The Fund provides resources to support national efforts at building a strong rights framework. Support is provided to promote and establish strong legal frameworks, effective national human rights institutions (NHRIs), independent judiciaries and vibrant civil society organizations. Since 1993, a Board of Trustees, appointed by the Secretary-General, has provided administrative and operational advice, evolving in recent years to advising OHCHR on policy orientation, global vision and strategy on technical cooperation at a broader programme level. The Board meets twice a year to review the programmes it supports; discuss thematic issues, methodologies and procedures; examine financial, administrative and fundraising matters; and brief Member States on progress and achievements. The Board met for its 32<sup>nd</sup> session from 22 February to 2 March 2010 and its 33<sup>rd</sup> session on 4 to 7 October 2010.

The Voluntary Fund for Technical Cooperation is the second largest trust fund administered by OHCHR. For the year 2010, the Fund received US\$15.9 million in new contributions. Funding was used to implement OHCHR technical cooperation activities – including many of the activities referred to in the chapter on field operations – in 30 countries or territories: Afghanistan, Bolivia, Côte d'Ivoire, Ecuador, Georgia, Great Lakes (Burundi), Guinea, Honduras, Indonesia, Kenya, Kosovo, Liberia, Madagascar, Mauritania, Mexico, Nicaragua, Niger, the occupied Palestinian territory, Papua New Guinea, Paraguay, the Republic of Moldova, the Russian Federation, Rwanda, Sierra Leone, Somalia, Sri Lanka, the Sudan, Timor-Leste, Togo and Ukraine. Activities implemented through the Fund have resulted in: efforts at country level to incorporate international human rights standards into national laws, policies and practices; the establishment of more sustainable national capacities to adhere to these standards; strengthened administration of justice; greater emphasis on the development of human rights education programmes; the establishment of responsive national human rights institutions; the deployment of human rights advisers to UN country teams; and the development of national plans of action for the promotion and protection of human rights.

Voluntary Fund for Technical Cooperation (VFTC)		
Voluntary contributions in 2010		
Donor	US\$	Earmarking
Austria	134,563	VFTC
Finland	207,152	VFTC
Germany	616,523	VFTC
India	50,000	VFTC
Korea, Rep. of	285,000	VFTC
Liechtenstein	18,450	VFTC
Panama	2,000	VFTC
South Africa	22,523	VFTC
Switzerland	1,295,337	VFTC
United States of America	1,425,000	VFTC
<b>(a) total contributions earmarked to VFTC</b>	<b>4,056,546</b>	
Austria	91,575	Occupied Palestinian Territory
Japan	50,000	Occupied Palestinian Territory
	150,000	Sri Lanka
Organisation Internationale de la Francophonie	20,330	Great Lakes Region <i>(initiative for the fight against impunity in the Great Lakes Region)</i>
	2,726	Haiti <i>(seminar on human rights standards, rule of conduct)</i>
Russian Federation	400,000	Russian Federation <i>(consolidation of the Human Rights Master Programme)</i>
Spain	133,869	Afghanistan
Sweden	550,964	Kenya
	137,741	Rwanda
Switzerland	180,000	Sudan <i>(strengthening the human rights capacity in Darfur)</i>
<b>(b) total contributions earmarked to specific projects</b>	<b>1,717,206</b>	
Unearmarked funds allocated to VFTC	10,087,214	Unearmarked
<b>(c) total unearmarked funds</b>	<b>10,087,214</b>	
<b>TOTAL (a) + (b) + (c)</b>	<b>15,860,966</b>	

## United Nations Trust Fund for a Human Rights Education Programme in Cambodia

The United Nations Trust Fund for a Human Rights Education Programme in Cambodia was established by the Secretary-General in 1992. The Fund was set up as a financial mechanism, financed through voluntary contributions and administered by OHCHR, to contribute to the development and implementation of a human rights education programme to promote the understanding of and respect for human rights in Cambodia. It has since been used to implement all of the activities of OHCHR's Office in Cambodia

(detailed information on the activities carried out in Cambodia in 2010 can be found on pages 175-177 of the CD). In 2010, the Fund received US\$494,353 in voluntary contributions.

Trust Fund for a Human Rights Education Programme in Cambodia	
Voluntary contributions in 2010	
Donor	US\$
Japan	150,000
Sweden	344,353
<b>TOTAL</b>	<b>494,353</b>

## United Nations Trust Fund for Action to Combat Racism and Racial Discrimination

The United Nations Trust Fund for the Programme of the Decade for Action to Combat Racism and Racial Discrimination was established by the Secretary-General in 1976. The Fund was set up as a financial mechanism to implement activities planned in the context of the First Decade to Combat Racism and Racial Discrimination (1973-1982). The Fund was then used for activities during the second and third decades to combat racism and racial discrimination (1983-1992 and 1994-2003 respectively) as well as to cover expenditures related to the 2001 World Conference in Durban, South Africa, and its Review Conference, which took place in Geneva in 2009. There are no further activities planned under this Trust Fund and it may be closed by the end of 2011. The Office of the High Commissioner for Human Rights will continue to implement focused activities as part of its programme to combat racism and racial discrimination, as detailed in the current Strategic Management Plan.

## United Nations Voluntary Fund for Participation in the UPR Mechanism

The United Nations Voluntary Fund for Participation in the Universal Periodic Review (UPR) mechanism was established by the Secretary-General in 2008 pursuant to Human Rights Council (HRC) resolution 6/17. This Fund was set up as a financial mechanism to provide: (a) funding for the travel of official representatives of developing countries, and in particular the least developed countries, to Geneva to present the national report, take part in the ensuing interactive dialogue and be involved in the adoption of the report in the UPR Working Group sessions in which their countries are considered; (b) funding for the travel of official representatives of developing countries that are members of the HRC but do not have a permanent mission in Geneva, to act as rapporteur (i.e. member of the 'troika'); and (c) training for Member States in the preparation of national reports. The Fund is financed through voluntary contributions and administered by OHCHR. In 2010, the Fund received US\$682,279 in voluntary contributions.

During 2010, OHCHR continued to use available funds to organize UPR pre-session briefings to assist States in preparing their national report and to prepare for their review, and to financially assist the official representatives of developing countries under review to enable them to travel to Geneva to

participate in the UPR session. A total of eight seminars were held in Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, which were attended by the officials of Governments concerned, stakeholders, NHRIs and the representatives of UN agencies; 347 people (114 of them women) benefitted from the briefings. A number of officials from various States participated as resource persons to share the experiences of their countries with the UPR. The briefings allowed States to become better acquainted with the UPR process in areas such as the national consultation process, the preparation of the national report, the review in the working group and the Council plenary and the follow-up of UPR recommendations. Overall, the briefings contributed to ensuring that national reports were submitted in a timely manner for the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> sessions of the UPR Working Group. In organizing these briefings, OHCHR strengthened its partnerships with UN country teams, as well as with international organizations such as the Organisation Internationale de la Francophonie (OIF) and the Commonwealth Secretariat. Travel assistance was provided to the representatives of the following 23 countries: Angola, Armenia, Bolivia, El Salvador, Fiji, Grenada, Guinea, Guinea-Bissau, Honduras, Jamaica, Kenya, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Liberia, Malawi, Maldives, Marshall Islands, Mauritania, Micronesia, Mongolia, and Nicaragua.

Voluntary Fund for Participation in the UPR	
Voluntary contributions in 2010	
Donor	US\$
Colombia	26,668
Denmark	359,002
Germany	246,609
Kuwait	50,000
<b>TOTAL</b>	<b>682,279</b>

*Corrigendum: In addition to the four countries above, Japan also contributed \$100,000 to this fund, bringing the total contributions in 2010 to 782,279*

## United Nations Voluntary Fund for Financial and Technical Assistance for the Implementation of the UPR

The United Nations Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review was established by the Secretary-General in 2008 pursuant to HRC resolution 6/17. This financial mechanism was set up with a view to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries



implement recommendations emanating from the UPR, in consultation with, and with the consent of, the country concerned.

In 2009, the terms of reference for this Fund were defined to provide funding for:

- ▶ The dissemination of information on the UPR outcomes with a view to mobilizing support for countries concerned; the integration of the UPR outcomes into United Nations common country programming documents, including the United Nations Development Assistance Framework (UNDAF).
- ▶ The coordination of United Nations, multilateral and bilateral action in support of the UPR outcomes, including the conducting of needs assessments as well as the formulation of programmes and projects aimed at implementing UPR outcomes.
- ▶ The exchange of information and sharing of best practices, including through the organization of regional and sub-regional meetings, seminars, consultations and other interactions.
- ▶ The development of national capacity and expertise for the implementation of the UPR outcomes.
- ▶ The co-funding of programmes and projects aimed at implementing the UPR outcomes.
- ▶ The regular follow-up, with the national bodies and institutions concerned, of actions to implement the UPR recommendations.

While the first cycle of the UPR is to be completed in 2011, a number of States have voluntarily started to share information on progress to date. OHCHR is involved in assisting Member States, at their request, to establish follow-up mechanisms and advance the implementation of key recommendations and voluntary commitments. As per HRC resolution 5/1, during the second cycle States will be reporting on progress made in the implementation of UPR outcomes. The Fund is financed through voluntary contributions and administered by OHCHR. In 2010, the Fund received US\$358,025 in voluntary contributions.

During 2010, OHCHR adopted a comprehensive and holistic approach to promoting and supporting the follow-up and implementation of UPR outcomes and recommendations, in line with the High Commissioner's mandate and OHCHR's priorities and thematic strategy on "Strengthening human rights mechanisms and the progressive development of international human rights law" as reflected in the 2010-2011 Strategic Management Plan. It also facilitated the sharing of experiences. In cooperation with the UNDP Regional Offices and the Commonwealth Secretariat, two subregional meetings to share experiences on follow-up to UPR outcomes and the

implementation of recommendations were held for West and Central African countries and for East and South African countries. Assistance was provided upon formal requests to Cape Verde, Tuvalu, Ecuador, the Republic of the Congo, Burkina Faso and Chad.

In most countries with a human rights presence, OHCHR is involved in assisting States and stakeholders in the follow-up to UPR outcomes and recommendations. Discussions on strategies to follow up on UPR outcomes have led to the elaboration of comprehensive national road maps or action plans reviewing UPR recommendations and voluntary pledges and/or commitments together with those from other UN human rights mechanisms; identifying priorities amongst all recommendations; identifying immediate and priority actions; identifying available and necessary resources; and identifying the appropriate State-lead agency and the relevant national and international partners. The follow-up to UPR outcomes has further facilitated OHCHR's engagement with countries on specific thematic issues, such as ratification of international human rights instruments, meeting reporting obligations to treaty bodies, the issuance of open and standing invitations for country visits by special procedures mandate-holders, the establishment and strengthening of NHRIs in line with the Paris Principles, the elaboration of human rights action plans, cooperation with OHCHR, and other key human rights issues.

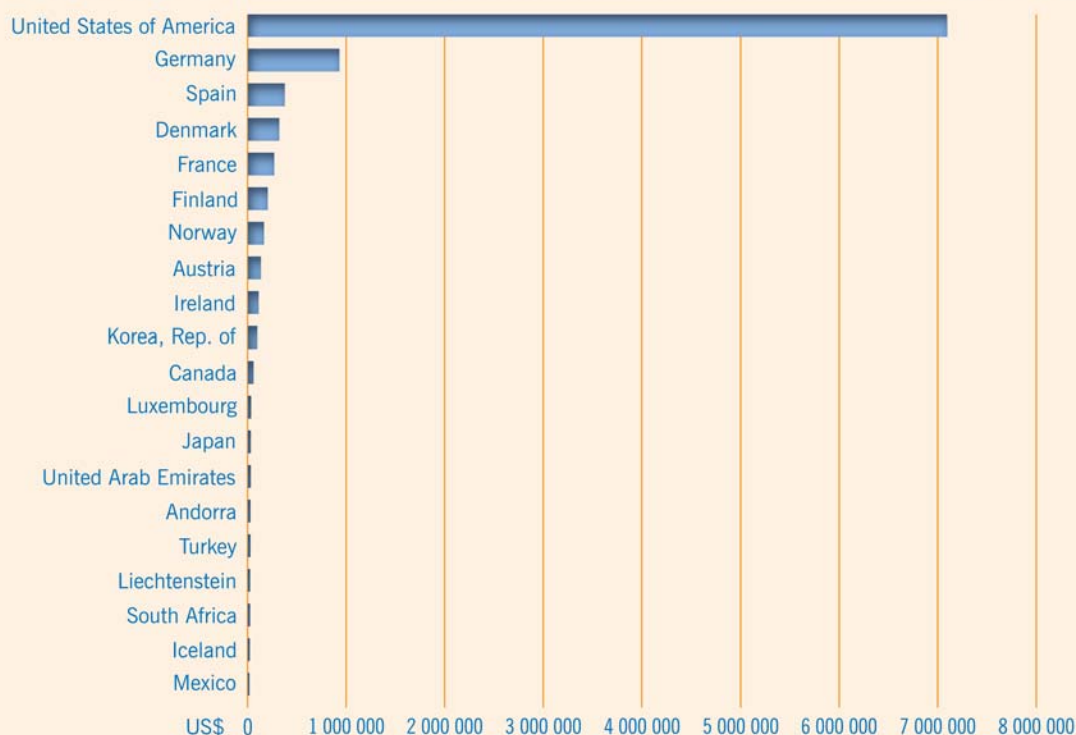
<b>Voluntary Fund for Implementation of the UPR</b>	
<b>Voluntary contributions in 2010</b>	
Donor	US\$
Japan	100,000
Russian Federation	150,000
United Kingdom	108,025
<b>TOTAL</b>	<b>358,025</b>

*Corrigendum: Japan was erroneously reported as contributing to this fund when in fact, it contributed to the Voluntary Fund for Participation in the UPR. The total voluntary contributions to this fund should thus be amended to \$258,025.*

## Humanitarian funds

OHCHR also acts as the secretariat for three grant-making funds, known as the humanitarian trust funds. These funds are the Voluntary Fund for Victims of Torture, the Voluntary Trust Fund on Contemporary Forms of Slavery, and the Voluntary Fund for Indigenous Populations. Each was established by a resolution of the UN General Assembly (GA) with the purpose of providing financial support to individuals and NGOs working in related human rights fields. These funds, which are financed through voluntary contributions, are

### Voluntary contributions from top 20 donors to the Humanitarian Funds in 2010



formally administered by the Secretary-General, acting on the advice of a Board of Trustees that distributes the funds through grants, in accordance with the funds' mandates.

In 2010, 32 Member States and a handful of private donors made contributions to these three funds totalling US\$10.1 million, a 15.8 per cent decrease compared with the level of contributions in 2009. Contributions to these funds are not used to support OHCHR's wider work.

### United Nations Voluntary Fund for the Victims of Torture

The United Nations Voluntary Fund for Victims of Torture, established in 1981 by GA resolution 36/151, helps to ease the physical and psychological effects of torture on victims and their families. The Fund provides grants to organizations that offer psychological, medical and social assistance, legal aid and financial support. It also finances training programmes, seminars and conferences, allowing health professionals, social workers and lawyers to exchange experiences and develop new strategies to address the needs of torture victims. The Fund's Board of Trustees is composed of five persons and its mandate is to advise the UN Secretary-General on the use of funds. The Board meets twice a year to determine priorities, review the workings of the Fund and make decisions on grants. It held its 32<sup>nd</sup>

and 33<sup>rd</sup> sessions in February 2010 and October 2010 respectively. In 2010, the Fund received approximately US\$9.4 million in contributions from 25 donors (including 23 Member States), a decrease of 13.8 per cent compared to 2009, when 31 donors supported its activities.

In 2010, 289 grants amounting to some US\$10.6 million were awarded by the Board (out of 375 grant applications examined and evaluated for project grants seeking more than US\$22 million) for activities providing direct assistance to victims of torture and their families as well as providing training and organizing seminars for professionals assisting victims in more than 70 countries in Africa, Asia, Central Asia, Latin America and Eastern Europe. Landmark cases were supported at the European Court of Human Rights and other international and domestic courts. Emergency assistance was also provided to victims of torture in Guinea, Honduras and Kyrgyzstan. The members of the Board of Trustees and the secretariat of the Fund were particularly concerned in 2010 by the growing gap between demands and available financial resources, as well as by the fact that an extremely limited number of applications is received every year from some of the priority regions set by the Board, *inter alia*, Central Asia and Portuguese-speaking Africa. Efforts to attract applications are being made, including accepting communications in Russian language.

### Voluntary Fund for Victims of Torture Voluntary contributions in 2010

Donor	US\$
Algeria	5,000
Andorra	28,550
Argentina	2,336
Austria	134,926
Canada	57,803
Chile	10,000
Czech Republic	10,272
Denmark	320,701
Finland	180,025
France	269,179
Germany	493,218
Iceland	20,000
Ireland	111,402
Korea, Rep,of	95,000
Kuwait	10,000
Liechtenstein	23,063
Luxembourg	34,722
Morocco	3,000
Norway	164,826
South Africa	15,015
Spain	334,672
Turkey	10,000
USA	7,100,000
Other individual donors	316
<b>TOTAL</b>	<b>9,434,026</b>

### United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was established in 1991 by GA resolution 46/122. The Fund provides financial assistance to grassroots non-governmental organisations (NGOs) assisting victims of contemporary forms of slavery to help them recover their lives and dignity. Contemporary forms of slavery include serfdom, forced labour, bonded labour, trafficking in persons and in human organs, the worst forms of child labour, forced marriage, and sales of wives and child soldiers. It also supports rehabilitation centres which provide housing, food, as well as medical and psychological support for sexually and physically abused children, victims of forced labour, forced marriages and trafficking. Legal assistance is provided to forced and bonded laborers as well as victims of trafficking to enable them to obtain access to justice. Finally, the Fund supports vocational and educational programmes for victims and helps them recover financial autonomy through income-generating activities. The Fund is administered

by OHCHR on behalf of the UN Secretary-General, acting on the advice of a five-member Board of Trustees. The Board meets annually to determine priorities, review the work of the Fund and approve grants. It held its fifteenth session in December 2010. In 2010, the Fund received US\$485,130 from 10 donors, a decrease of 45.3 per cent compared to 2009, when 13 donors supported its activities.

In 2010, 61 project grants totaling US\$556,000 were awarded by the Board (out of 243 applications examined and evaluated for project grants from 61 countries seeking approximately US\$3,754,000) to assist non-governmental organizations in 47 countries.

Following the development of new frameworks for monitoring and pre-screening projects, 63 project grants approved in 2009 (totaling US\$726,000 and providing assistance to 25,611 victims of slavery in 45 countries) were processed and monitored in 2010. Four fellows gained first-hand experience, knowledge and skills in the field of international human rights and on contemporary forms of slavery. The Fund managed to implement 18 out of the 22 recommendations made by the United Nations Office of Internal Oversight Services to the Fund, which significantly increased its impact and effectiveness. The coordination between the Fund and other UN bodies and mechanisms dealing with contemporary forms of slavery was also enhanced. An online application process will be developed in 2011 to facilitate the process. The growing gap between grant requests and available financial resources is an important source of concern for the members of the Board of Trustees and the secretariat of the Fund (in 2009-2010, about 75 per cent of the applications received had to be turned down).

### Voluntary Trust Fund on Contemporary Forms of Slavery Voluntary contributions in 2010

Donor	US\$
Cyprus	3,481
Egypt	5,000
Germany	369,914
Holy See	1,477
Israel	5,000
Japan	30,000
South Africa	7,508
Spain	26,774
Turkey	6,000
UAE	29,977
<b>TOTAL</b>	<b>485,130</b>

## United Nations Voluntary Fund for Indigenous Populations

The United Nations Voluntary Fund for Indigenous Populations was established in 1985 by GA resolution 40/131, with the purpose of providing indigenous peoples with the opportunity to raise issues faced by their communities at the international level and to contribute to the development of international standards and national legislation for the protection of their rights. Since its establishment in 1985, the Fund has provided support to more than a thousand indigenous representatives, thereby ensuring that the voices and concerns of indigenous peoples are heard by the Member States of the United Nations. In November 2010, the GA adopted a resolution to expand the mandate of the Fund so that in addition to the participation in the Permanent Forum on Indigenous Issues and Expert Mechanism on the Rights of Indigenous Peoples, the Fund can be used to support indigenous participation in sessions of the HRC and treaty bodies. The Fund is administered by OHCHR on behalf of the UN Secretary-General, acting on the advice of a five-member Board of Trustees. The Board meets annually to determine priorities, review the work of the Fund and approve grants in the form of travel subsidies for representatives of indigenous peoples around the world. It held its twenty-third session in February 2010. In 2010, the Fund received US\$149,326 from nine donors, a 42.1 per cent decrease compared to 2009, when 12 donors supported its activities.

In 2010, following efforts to increase the diversity of applicants, a greater number of applications was received from underrepresented countries and regions; 101 travel grants amounting to US\$412,524 were awarded (out of 330 applications examined and evaluated amounting to approximately US\$1.16 million) to allow representatives of indigenous communities and organizations to attend the ninth session of the Permanent Forum on Indigenous Issues and the third session of the Expert Mechanism on the Rights of Indigenous Peoples. A directory of past beneficiaries of the Fund was developed to enhance the effectiveness of the secretariat and track records of the performance of the grantees. A network of beneficiaries of the Fund was established to share best practices and build upon each others' experiences. Human rights training sessions for the grantees of the Fund were organized prior to the sessions of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples in order to increase their capacity for effective participation in these mechanisms.

Following their participation in the sessions of the Permanent Forum and Expert Mechanism, indigenous peoples launched new projects with cooperation agencies and NGOs, initiated dialogue with their respective governments and national institutions at national level, and followed up recommendations made by the special procedures mandate-holders and the treaty bodies. Due to the increasing gap between the number of grant requests and funds available, at least 90 per cent of the applications received in 2010 will have to be turned down. The expansion of the mandate of the Fund to enable indigenous peoples to attend sessions of treaty bodies and the HRC will require new procedures and methodologies.

Voluntary Fund for Indigenous Populations	
Voluntary contributions in 2010	
Donor	US\$
Algeria	5,000
Chile	5,000
Estonia	8,119
Finland	22,195
Germany	67,295
Holy See	977
Mexico	17,353
Spain	13,387
Turkey	10,000
<b>TOTAL</b>	<b>149,326</b>

## Optional Protocol to the UN Convention against Torture Special Fund

The Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was adopted by the GA of the United Nations on December 2002 and entered into force in June 2006. The OPCAT created a two-pillar system, at international and national levels, designed to prevent torture and other forms of ill-treatment in all places of detention, and established the Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), which became operational in February 2007. The SPT has an operational function which consists of visiting all places of detention in States Parties, and an advisory function which consists of providing assistance and advice to both States Parties and National Preventive Mechanisms. In addition, the SPT cooperates, for the prevention of

torture in general, with the relevant UN organs and mechanisms as well as with international, regional and national institutions or organizations. The SPT presents a public annual report on its activities to the Committee against Torture and convenes three times a year for one-week sessions at the United Nations Office in Geneva.

The OPCAT also provides for the creation of a Special Fund to help finance the implementation of recommendations made by the SPT after a visit to a State Party, and to support national education programmes to prevent torture. The Special Fund is financed through voluntary contributions and administered by OHCHR. In 2010, the Fund received US\$861,134 from three donors. The arrangements regarding its operationalization are to be finalized in 2011 and the following issues should form the parameters for calls for applications under the Special Fund: (a) notification of detainees' rights; (b) improving educational and vocational activities for juveniles in detention; (c) basic training programmes for detention personnel (with the inclusion of a focus on health care); and (d) any other specific recommendation in the visit report that details a pressing and compelling need.

<b>OPCAT Special Fund</b>	
<b>Voluntary contributions in 2010</b>	
<b>Donor</b>	<b>US\$</b>
Czech Republic	10,272
Spain	26,774
United Kingdom	824,089
<b>TOTAL</b>	<b>861,134</b>

## Contingency Fund

The OHCHR Contingency Fund is a flexible funding mechanism established to fund the urgent deployment of personnel and other expenses associated with rapid response activities and to facilitate the implementation of activities within the priorities, overall strategies and policies of OHCHR. The fund was established in October 2006 in recognition of the need to respond to human rights emergency situations in a timely manner. In the past, due to a lack of immediately available financial resources, OHCHR has not been suitably equipped to respond to rapid response needs such as the establishment of fact-finding missions, commissions of inquiry or surge deployments to existing field

presences to cover emergencies. The Fund, which is financed by voluntary contributions, aims to hold around US\$1 million at any time. Advance funding is drawn from the Fund for rapid response activities; when contributions for the activity are later received from other sources, the Contingency Fund is reimbursed to restore its operational level.

Since the inception of the Fund, the ability of OHCHR headquarters to provide conceptual and operational support to unforeseen mandates or situations requiring a rapid response has greatly improved. To date, OHCHR has used the Fund to deploy four election monitoring missions, six crisis support missions, one fact-finding mission and two human rights assessment missions, including the following in 2010:

- ▶ Haiti: Crisis Support Mission (January 2010)
- ▶ Togo: Human Rights Assessment Mission (February 2010)
- ▶ Guinea: Election Monitoring Mission (June-July 2010)
- ▶ Kyrgyzstan: Crisis Support Mission (July 2010)

In addition to supporting these missions, the Contingency Fund was used to establish a stock of revolving emergency vehicles in November 2008 to increase OHCHR's capacity to respond promptly to human rights crises on the ground.

In the past four years, the Fund has become a crucial tool for ensuring that OHCHR has the capacity to deploy at short notice personnel that are trained, adequately equipped and logistically supported, to respond to emerging human rights crises, support mandates given by the HRC and other UN bodies, or respond to requests made by UN country teams or UN peace missions.

Since its establishment in 2006, donors have provided US\$1,730,943.82 to the Fund. No voluntary contribution was received in 2010. As of December 2010, US\$1,302,942.02 had been disbursed or obligated to fund the abovementioned activities. US\$166,186.60 raised to help pay the costs of these activities was subsequently paid back into the Fund, in accordance with the principle that it should operate as a "revolving fund". As a result, the balance stood at US\$594,188 at the end of 2010. Additional financial support is presently being sought to return the balance to the target level of US\$1.13 million (including 13 per cent programme support costs).





# Annex I: Abbreviations

<b>ASEAN</b>	Association of Southeast Asian Nations	<b>EU</b>	European Union
<b>AU</b>	African Union	<b>FAO</b>	Food and Agriculture Organization
<b>AWP</b>	Annual Work Plan	<b>FGM</b>	Female Genital Mutilation
<b>CAP</b>	Consolidated Appeals Process	<b>GCC</b>	Gulf Cooperation Council
<b>CAR</b>	Central African Republic	<b>GBV</b>	Gender-Based Violence
<b>CAT</b>	Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	<b>HRA</b>	Human Rights Adviser
<b>CCA</b>	Common Country Assessment	<b>HRBA</b>	Human Rights-Based Approach
<b>CCD</b>	Common Core Document	<b>HRC</b>	Human Rights Council
<b>CEDAW</b>	- Convention on the Elimination of All Forms of Discrimination against Women - Committee on the Elimination of Discrimination against Women	<b>HRTJS</b>	Human Rights and Transitional Justice Section
<b>CERD</b>	Committee on the Elimination of Racial Discrimination	<b>IACHR</b>	Inter-American Commission on Human Rights
<b>CERF</b>	Central Emergency Response Fund	<b>IASC</b>	Inter-Agency Standing Committee
<b>CESCR</b>	Committee on Economic, Social and Cultural Rights	<b>IASG</b>	Inter-Agency Support Group
<b>CMW</b>	Committee on Migrant Workers	<b>ICC</b>	International Criminal Court
<b>CoE</b>	Council of Europe	<b>ICC (NHRIs)</b>	International Coordinating Committee of National Human Rights Institutions
<b>CRC</b>	- Convention on the Rights of the Child - Committee on the Rights of the Child	<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>CRPD</b>	- Convention on the Rights of Persons with Disabilities - Committee on the Rights of Persons with Disabilities	<b>ICED</b>	International Convention for the Protection of All Persons from Enforced Disappearance
<b>CSO</b>	Civil Society Organization	<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>DDPA</b>	Durban Declaration and Programme of Action	<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>DFS</b>	Department of Field Support	<b>ICGLR</b>	International Conference on the Great Lakes Region
<b>DPA</b>	Department of Political Affairs	<b>ICPRD</b>	Independent Commission for People's Rights and Development
<b>DPKO</b>	Department of Peacekeeping Operations	<b>ICRMW</b>	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
<b>DRC</b>	Democratic Republic of the Congo	<b>ICRC</b>	International Committee of the Red Cross
<b>ECCAS</b>	Economic Community of Central African States	<b>IDP</b>	Internally Displaced Person
<b>ECESA</b>	Executive Committee of Economic and Social Affairs	<b>IE</b>	Independent Expert
<b>ECHA</b>	Executive Committee on Humanitarian Affairs	<b>IHL</b>	International Humanitarian Law
<b>ECHO</b>	European Commission Humanitarian Office	<b>ILO</b>	International Labour Organization
<b>ECOWAS</b>	Economic Community of West African States	<b>INHRC</b>	Independent National Human Rights Commission
		<b>IOM</b>	International Organization for Migration
		<b>LAS</b>	League of Arab States



<b>LGBT</b>	Lesbian, Gay, Bisexual and Transgender
<b>MDGs</b>	Millennium Development Goals
<b>MERCOSUR</b>	Southern Cone Common Market
<b>MoU</b>	Memorandum of Understanding
<b>NGO</b>	Non-Governmental Organization
<b>NHRAP</b>	National Human Rights Action Plan
<b>NHRI</b>	National Human Rights Institution
<b>OAS</b>	Organization of American States
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OIC</b>	Organisation of the Islamic Conference
<b>OIF</b>	International Organization of the Francophonie
<b>OIOS</b>	United Nations Office of Internal Oversight Services
<b>OPCAT</b>	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>OP-CRC</b>	Optional Protocol to the Convention on the Rights of the Child
<b>OP-ICESCR</b>	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
<b>OP-ICCPR</b>	Optional Protocol to the International Covenant on Civil and Political Rights
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>PAHO</b>	Pan American Health Organization
<b>PCWG</b>	Global Protection Cluster Working Group

<b>RC</b>	Resident Coordinator
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SMP</b>	Strategic Management Plan
<b>SRSG</b>	Special Representative of the Secretary-General
<b>TJRC</b>	Truth, Justice and Reconciliation Commission
<b>TRC</b>	Truth and Reconciliation Commission
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNCT</b>	United Nations Country Team
<b>UNDAF</b>	United Nations Development Assistance Framework
<b>UNDEF</b>	United Nations Democracy Fund
<b>UNDG</b>	United Nations Development Group
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNIFEM</b>	United Nations Development Fund for Women
<b>UNOG</b>	United Nations Office at Geneva
<b>UNOPS</b>	United Nations Office for Project Services
<b>UNPBF</b>	United Nations Peacebuilding Fund
<b>UNV</b>	United Nations Volunteers
<b>UPR</b>	Universal Periodic Review
<b>WFP</b>	United Nations World Food Programme
<b>WHO</b>	World Health Organization

# Annex II: Expected Accomplishments

OHCHR has 11 expected accomplishments, as set out in the Strategic Management Plan 2010-2011.

## Relating to changes in national protection systems

1. Increased compliance with international human rights standards by all States entities, including national human rights institutions and the Judiciary, as well as with domestic laws, policies and programmes (EA1)
2. Increased ratification of international and regional human rights instruments and review of reservations of international human rights instruments (EA2)
3. Justice and accountability mechanisms established and functioning in accordance with international human rights standards to monitor, investigate and redress civil and political, as well as economic, social and cultural human rights violations (EA3)
4. Increased number of measures taken to improve access of discriminated groups, and particularly women, to justice and basic services (EA4)
5. Right-holders, specially discriminated groups, and particularly women, increasingly use existing national protection systems and participate in decision-making processes and the development and monitoring of public policies (EA5)

## Relating to changes in the international protection system or its use

6. Increased compliance and engagement by States with UN human rights mechanisms and bodies (treaty bodies, special procedures, Human Rights Council/Universal Periodic Review – UPR) (EA6)
7. Increased number and diversity of rights-holders and national human rights institutions and civil society actors acting on their behalf making use of UN and regional human rights mechanisms and bodies (EA7)
8. International and regional human rights law and institutions progressively strengthened and/or developed (EA8)
9. Enhanced coherence and consistency of UN human rights mechanisms and bodies (EA9)

## Relating to changes in the involvement of other international actors in human rights work

10. International community increasingly responsive to critical human rights situations and issues (EA10)
11. Increased integration of human rights standards and principles, including the right to development, into UN system policies and programmes with respect to development, humanitarian action, peace and security and economic and social issues (EA11)

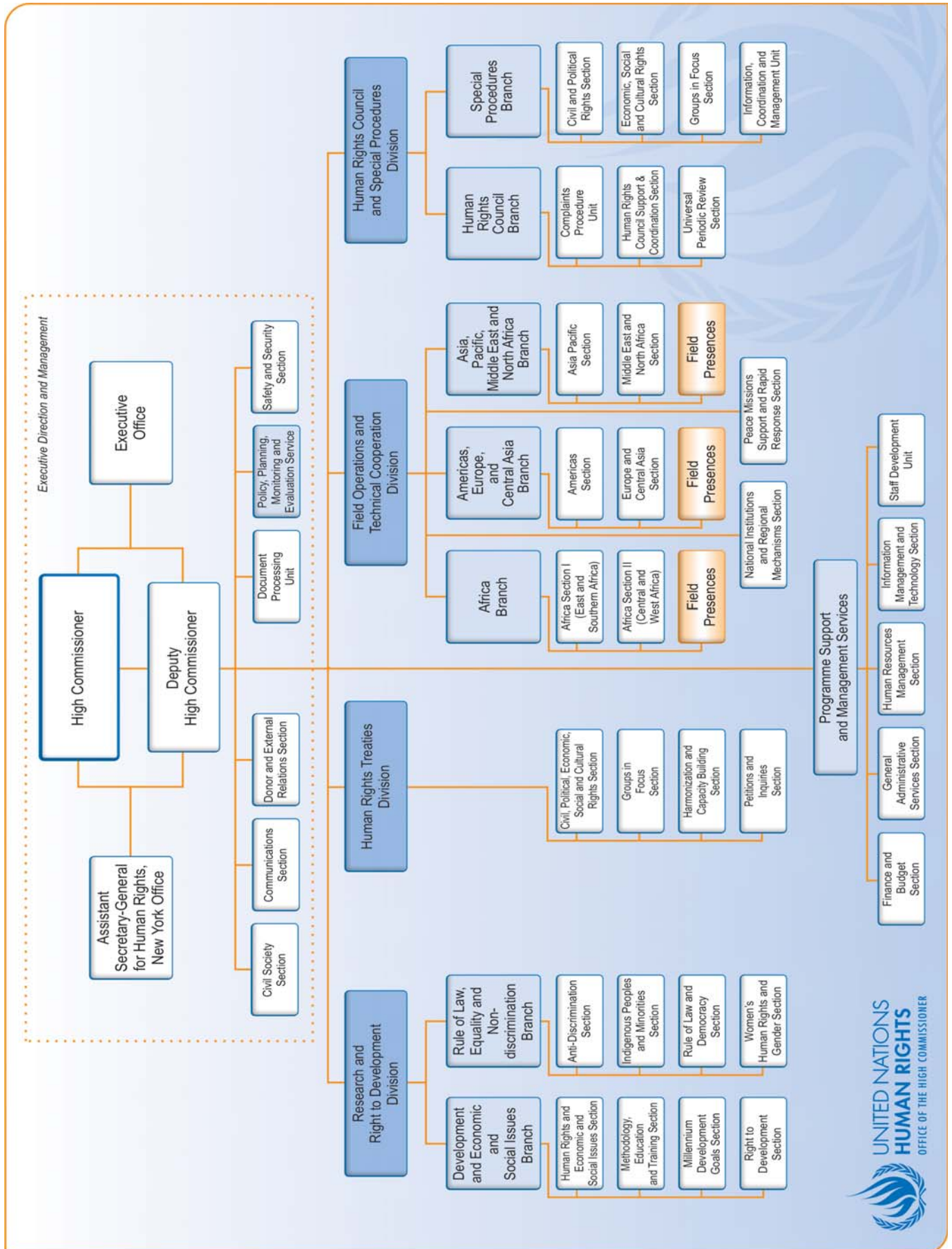
# Annex III: Global Management Outputs and Monitoring Framework

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OHCHR has eight global management outputs, as set out in the Strategic Management Plan 2010-2011.

- Output 1:** Understanding of OHCHR strategic direction is shared across the Office, with coordination and communication strengthened between management and staff, between HQ and field presences, and among divisions (GMO1)
- Output 2:** Strategic decisions are made in a timely and transparent manner, and effectively implemented and followed-up (GMO2)
- Output 3:** Increased effectiveness of OHCHR's lead role in partnerships for human rights mainstreaming (GMO3)
- Output 4:** Increased effectiveness in servicing human rights mechanisms and in supporting follow-up to their recommendations (GMO4)
- Output 5:** Increased effectiveness and efficiency in supporting field operations (GMO5)
- Output 6:** OHCHR staff have necessary competencies and skills to implement OHCHR global thematic strategies, and to consistently adopt and diligently achieve related targets (GMO6)
- Output 7:** OHCHR website supports OHCHR's mission and priorities and meets the needs of users (GMO7)
- Output 8:** Resource mobilized in a diversified and sustainable way, with flexible use for OHCHR (GMO8)

# Annex IV: OHCHR's Organizational Chart





**Credits**

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