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## TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

Advisory services and technical cooperation in the field of human rights\*

**Report of the Secretary-General** 

\* Late submission.

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#### I. INTRODUCTION

1. The Secretary-General submitted to the Commission on Human Rights and subsequently the Human Rights Council an annual report on technical cooperation in the field of human rights, reflecting the discussions of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. In the light of Commission on Human Rights resolution 2004/81, the subsequent analytical report on the progress and concrete achievements made (E/CN.4/2006/104), and obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund, the Council, in its decision 2/102, requested the Secretary-General and the High Commissioner for Human Rights to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights, and to update the relevant reports and studies. The present report is therefore submitted as an update of the previous report (A/HRC/7/74), and focuses on the work of the Board of Trustees of the Voluntary Fund.

#### II. BOARD OF TRUSTEES OF THE UNITED NATIONS VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

2. The members of the Board of Trustees are appointed by the Secretary-General to advise the Office of the United Nations High Commissioner for Human Rights (OHCHR) on streamlining and rationalizing the working methods and procedures of the technical cooperation programme. Its current members are Mary Chinery-Hesse (Ghana), chairperson; Viacheslav Bakhmin (Russian Federation); Monica Pinto (Argentina); William Schabas (Canada); and Deepika Udagama (Sri Lanka). Ms. Chinery-Hesse and Mr. Bakhmin concluded their mandates at the end of 2008. The process of identification of two new members has been initiated.

3. In recent years, the Board has moved away from detailed revision of individual projects to advising OHCHR on policy orientation, global vision and strategy at a broader programme level. The evolution of the role played by the Board has been appreciated by the Office, which benefits greatly from its experience and wisdom, particularly during the recent reforms within the United Nations and OHCHR and the Office's strengthened country engagement.

4. The Board holds its meetings twice a year. The twenty-eighth session was held in May 2008 the twenty-ninth in November 2008. At the sessions, the Board continued its examination of various components of the United Nations Human Rights Programme on Technical Cooperation funded by the Voluntary Fund. The twenty-ninth session was timed to partly coincide with the annual OHCHR consultation with heads of field presences, which gave the Board the opportunity to learn first-hand from field representatives about the implementation of technical cooperation activities on the ground. In the framework of annual consultations, Board members also attended a joint session between OHCHR field representatives and the Secretary-General, during which the challenges faced by human rights work in the field were discussed. During the two sessions, the Board members had the opportunity of a brief exchange of views with a number of Member States and the President of the Human Rights Council, and also held discussions with the High Commissioner and Deputy High Commissioner. In its meetings with OHCHR staff, including field representatives, the Board focused on the ongoing

OHCHR internal evaluation exercise of its technical cooperation programme in paying special attention to technical cooperation in the context of economic, social and cultural rights and synergies between the current technical cooperation programme and activities planned in the framework of the follow-up to the universal periodic review. As in previous sessions, the Board also focused on technical cooperation and capacity-building activities implemented through human rights advisers working in United Nations country teams and human rights components of United Nations peace missions.

# III. TRANSLATION OF HUMAN RIGHTS THEMES INTO THE TECHNICAL COOPERATION PROGRAMME AND POLICY RECOMMENDATIONS

Translating the Office's thematic capacity into action in the field remains a major priority, 5. while technical cooperation is an important tool for operationalizing the Office's thematic expertise. Although the 2005 plan of action emphasized the importance of technical cooperation and stipulated the essential linkage between protection and technical cooperation, activities in the field remain characterized by a diversity of approaches. The Board was pleased therefore to learn about the Office's stocktaking and lessons-learned exercise with regard to its technical cooperation activities. It also noted with interest the outcome of the discussion on possible principles for future implementation of technical cooperation activities, which was held in the framework of the 2008 annual OHCHR consultations of heads of field presences in Geneva. The Board appreciated the strong reaffirmation of the intrinsic linkage between protection and technical cooperation and stressed that the ultimate objective of technical cooperation should be to promote institution-building and to effect genuine institutional changes for the benefit of right-holders. The Board also emphasized the need to engage in concrete interaction and partnership with Governments and civil society actors with regard to the conception and delivery of technical cooperation in order to increase the impact and sustainability of technical cooperation projects. The Board encouraged the Office to continue its work on re-assessing its technical cooperation programme and on establishing a set of principles for the implementation of future technical cooperation activities.

6. The Board appreciated the Office's ongoing engagement to support national human rights institutions. The Board reiterated that they are central elements of strong national human rights protection systems and are crucial when addressing core protection issues. The more the United Nations system works closely with and through independent national human rights institutions, the greater the chances of success and sustainability of good governance, rule of law and human rights efforts. The Board stressed that technical cooperation programmes can only be sustained if the capacity of national partners is ensured.

7. The Board was briefed about the Office's efforts to strengthen its capacities in economic, social and cultural rights and noted the important achievements in this area, including developments with regard to special procedures on economic, social and cultural rights, strengthened expertise at Headquarters, and the development of tools and a strategy to support field presences. It also noted the excellent activities being conducted at the field level, such as right to food activities in Timor-Leste; activities in the area of housing in Central Asia; the non-discrimination approach to economic, social and cultural rights in Nepal; and tackling forced evictions in Cambodia. The Board stated that examples of such best practices should be shared more broadly and systematically internally and publicized externally in order to ensure increased, sustained and coherent work on economic, social and cultural rights. The Board also

recommended that further work should be carried out to systematically operationalize relevant concepts and standards and to continue enhancing capacity, knowledge and skills both at Headquarters and in the field. The Board underlined the fact that enhancing institutional commitment within OHCHR to raise economic, social and cultural rights to the same level as civil and political rights, as well as addressing the lack of understanding and knowledge of those rights in OHCHR remains a priority challenge. With regard to measuring the success of the Office's work on economic, social and cultural rights, the Board highlighted the importance of developing monitoring tools.

8. With regard to specific rights, the Board received an update on the activities carried out by the Office in the area of disabilities, including the recent developments regarding the new Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. The Board highlighted the need for a strategy to integrate the provisions of the Convention into the work throughout the United Nations system in order to operationalize the principles therein and to enhance its implementation.

9. In view of the adoption of the Declaration on the Rights of Indigenous Peoples, the Board was briefed on indigenous and minority fellowship programmes. The Board learned about the successful cooperation with other United Nations agencies in these areas and encouraged further application of this good practice. The Board recommended that these issues be integrated firmly into the work of the Office. It also noted possible areas of future cooperation, in particular the promotion of the Declaration, staff training and capacity-building at the country level, development of guidelines, the establishment of a forum on indigenous issues and follow-up to the fellowship programmes.

10. Ahead of the 2009 Durban Review Conference that will review progress and assess implementation of the Durban Declaration and Programme of Action in order to foster its implementation, the Board received an overview of the preparatory process. The Board noted the various internal task forces, panels and working groups that have been set up within OHCHR to prepare for the Review Conference and the regional meetings that had been organized. The Board appreciated the efforts by the Office, in particular field presences, to engage with United Nations country teams and non-governmental organizations for their participation in the Conference. The Board regarded the dissemination of the first e-bulletin for non-governmental organizations on the Durban Review Conference as an important tool to support their engagement in the process.

11. Concerning the ongoing work of OHCHR on human rights indicators, the Board took note of the new report on indicators for promoting and monitoring the implementation of human rights (HRI/MC/2008/3), which provides an outline of the conceptual and methodological framework as it has evolved over the past two years. The Board appreciated the fact that the framework had been subject to a validation exercise through workshops and consultations with members of treaty bodies, special rapporteurs, United Nations agencies, academics and non-governmental organizations and with country-level stakeholders, namely human rights institutions, relevant governmental bodies, statistical agencies, non-governmental organizations and United Nations country teams in Asia, Africa and Latin America. The Board acknowledged the importance of having indicators to measure the impact of the Office's activities. At the same

time, the Board highlighted the difficulties in measuring the impact on human rights and emphasized that indicators should be seen primarily as a tool for States to assess their progress with regard to implementation of rights and to allow them to compare different strategies.

12. In the framework of the twenty-ninth session, the Deputy High Commissioner invited the Board members, as well as senior managers from the field and from Headquarters, to join her in a round table to discuss the ongoing efforts to develop an OHCHR performance monitoring system. The discussion had the aim of facilitating an interactive space in which senior managers from the field and Headquarters would be able to better understand the system proposed and contribute jointly to the refinement of next steps in the process of implementing this system at both the national and global levels. An introductory presentation by the OHCHR Policy, Planning, Monitoring and Evaluation Section on the process developed to date in order to implement the system was followed by a session of questions and answers. The Deputy High Commissioner stressed the fact that performance monitoring was an internal necessity, a United Nations requirement and a donors' request. The Board noted that OHCHR would gradually set up the system that it will use to monitor its own performance effectively, for full implementation by 2010.

#### IV. CAPACITY AND INSTITUTION-BUILDING ACTIVITIES: HUMAN RIGHTS ADVISERS AND HUMAN RIGHTS COMPONENTS OF UNITED NATIONS PEACE MISSIONS

#### A. Human rights advisers in United Nations country teams

13. The Board was updated on recent developments affecting the work of human rights advisers, including with regard to human rights mainstreaming in United Nations country teams and the role of United Nations Resident Coordinators with regard to advocacy on human rights. The Board noted with interest the latest developments in the context of the United Nations Development Group reform, including the agreement on the management and accountability of the Resident Coordinator system. The Board in particular acknowledged the decision of the Secretary-General on human rights and development, which stipulated the roles and responsibilities of Resident Coordinators in human rights. The Board stressed the importance of availability of specific training and guidance to Resident Coordinators on how to address human rights challenges and political tensions at the country level, going beyond the conventional training on the human rights-based approach to development. The Board welcomed the recent study on OHCHR performance in mainstreaming human rights within the United Nations at the country level, with a special focus on capacity development, joint advocacy, programming and overall strategy.

14. The Board was also briefed on the outcome of the session on human rights advisers in the framework of OHCHR annual consultations. The Board noted that the demands and expectations with regard to advisers are very high and that it is difficult at times for them to address all the demands made of them. The Board also noted that the support currently available to advisers, from partners as well as from within OHCHR, significantly differs according to the country they are based in. The Board recommended that support for human rights advisers should be strengthened, while ensuring that a minimum standard of support is available to all of them.

#### B. Human rights components of United Nations peace missions

15. The Board was briefed on the Voluntary Fund resources used in the context of human rights capacity- and institution-building activities in peace operations. A consultancy paper on human rights capacity-building in post-conflict peace operations was presented to the Board, which encouraged, in the framework of the Office's current overall evaluation of the technical cooperation programme, the elaboration of standards and principles to support the implementation of technical cooperation by human rights components. It also recommended that an overarching strategy be developed to ensure coherence in the work of various United Nations programmes contributing to peace operations.

16. The Board was also briefed on a number of key developments relevant to the work of human rights components of peace missions, including the first policy directive, led jointly by OHCHR, the Department of Peacekeeping Operations and the Department of Political Affairs, on public reporting by human rights components of United Nations peace operations, and the increased issuing of public reports, an institutionalized focal point for human rights in the Department of Peacekeeping Operations and the Department of Field Support, the imminent commencement of a joint review of Department of Political Affairs special political missions, and progress towards full implementation of the human rights database project.

17. The Board acknowledged that human rights components have an important and challenging role to play. One particular challenge is promoting accountability during peace processes and reconciling the rule of law with political expediency. The Board stressed that peace and justice should not be seen as separate goals, and that human rights are central to both.

### V. TECHNICAL COOPERATION ACTIVITIES

18. The Board was briefed about the Office's engagement and capacity-building activities in different geographic regions. It was informed that most activities under the OHCHR Africa programme are carried out by the Office's 22 presences in the region, which include four regional offices (in Addis Ababa for East Africa, in Pretoria for Southern Africa, in Dakar for West Africa, and the Central Africa Centre in Yaoundé), five human rights advisers (in Guinea, Kenya, the Niger, Rwanda and West Africa), two country offices (Togo and Uganda), as well as support to 11 peace operations (in Burundi, Chad and the Central African Republic, the Democratic Republic of the Congo, Côte d'Ivoire, Liberia, Sierra Leone, Central African Republic, Guinea Bissau, Somalia and the two missions in the Sudan).

19. The OHCHR Africa programme helps African Governments, institutions and civil society organizations to incorporate human rights principles into their everyday efforts to respond to the human rights needs of their people, reduce widespread poverty, fight impunity and address discrimination, especially against women. The programme seeks in particular to increase institutional awareness and fill capacity gaps on human rights, especially to address violations by the police, army and the judiciary. Similarly, existing knowledge and capacity gaps of national human rights institutions and civil society organizations, including organizations focusing on transitional justice, human rights monitoring, reporting and advocacy, are bridged through human rights training programmes. Regular public reporting from OHCHR presences in Africa serves as a major tool for diagnosing human rights issues.

20. In the Asia region, the Office's capacity to implement technical cooperation has been increasingly facilitated through the expansion of field presences, including the deployment of human rights advisers. There are currently four advisers in the region (in Indonesia, Papua New Guinea, Sri Lanka and Maldives (mandate completed in 2008)); the deployment of more advisers is currently being discussed. OHCHR also maintains two country offices (in Cambodia and Nepal), two components of peacekeeping missions (in Afghanistan and Timor-Leste) and two regional offices (in Bangkok and Suva) with plans for a third.

21. In addition to work with individual Member States and United Nations country teams, the Office works closely with several important regional partners, including the Association of Southeast Asian Nations and the Pacific Islands Forum, as well as the Asia-Pacific Forum of National Human Rights Institutions. OHCHR also supports an overarching Asia-Pacific regional framework on the promotion and protection of human rights, which, in the absence of a regional human rights mechanism, brings together Member States from across the region.

22. With regard to the Europe, North America and Central Asia region, which covers the 56 member countries of the Organization for Security and Cooperation in Europe, the Office selects its priorities for capacity-building carefully, taking into account the very effective regional mechanisms already covering Europe and the strong civil society actors active in quite a number of countries. In terms of fieldwork, one major shift in focus within the Office has been away from the Balkans (with the exception of Kosovo), where the Office was heavily engaged in recent years, to Central Asia, where work has been growing in the past two years and where a regional office has been established in Kyrgyzstan. The Office is also represented by human rights advisers to the United Nations country teams in the Russian Federation and the south Caucasus, which are major areas for priority involvement. The Office is planning the establishment of a regional office in Brussels to facilitate relations with the institutions of the European Union.

23. Throughout the region, the Office has been emphasizing the placing of human rights advisers, including national ones, in United Nations country teams, as well as, to the extent possible, working with country teams in countries where OHCHR has no presence. The Office's technical assistance and policy advocacy work in the region focuses on ongoing issues of concern, which often involve impunity and range from weak institutions - judiciary and legislature, in particular - to women's rights, restrictions on freedom of expression and association, human rights in the fight against terrorism, racism and xenophobia, the treatment of asylum-seekers, irregular migrants and Roma, as well as economic and social rights, including poverty and the right to housing.

24. In Latin America, OHCHR technical cooperation activities are mainly implemented through its presences in the region, including the regional office for Latin America (Panama), its four country offices (Bolivia, Colombia, Guatemala and Mexico), two human rights advisers (Ecuador and Nicaragua), and the human rights component in the United Nations Stabilization Mission in Haiti.

25. The Office however also engages with countries with no presence, for example by providing assistance for the inclusion of a human rights-based approach within the social cohesion programme developed by the Department of Political Affairs and the United Nations Development Programme for the English-speaking Caribbean, a priority in 2009.

26. The Office's priorities for its technical cooperation programme in the region include addressing impunity and weak institutions (access to and administration of justice, and public security); discrimination (particularly against Afro-descendants and indigenous persons); poverty and inequality; and violence (mainly against women and children).

27. In the Middle East and North Africa region, the Office currently has a regional office based in Beirut, which covers the Middle East, and a country office in the Occupied Palestinian Territory. The Office also supports the Human Rights Office of the United Nations Assistance Mission for Iraq. The Office is in the process of increasing its field presences in the region, to further the implementation of technical cooperation.

28. In the region, the Office's priorities are to help Member States implement applicable human rights standards, regularize ratification status and comply with universal periodic review and treaty body reporting obligations. Women's rights, minority rights and access to justice are all major themes of such work. It also aims at supporting Member States in the development and finalization of their national human rights action plans, and to strengthen the compliance of national human rights institutions with the Paris Principles.

29. Thematic priorities for the region include freedom of expression, association and assembly; the fight against impunity; attending to the need of countries in conflict; and the human rights of non-citizens, namely refugees, stateless persons and migrant workers.

#### VI. RECENT DEVELOPMENTS

30. The Board was briefed on the recent sessions of the Human Rights Council, the functions of its Advisory Committee and the holding of special sessions, with a special focus on the seventh special session on "the negative impact on the realization to the right to food of the worsening of the world food crisis", which the Board partly observed. The Board encouraged the involvement and contribution of other relevant agencies in theme-based special sessions. While noting that the trend in the elaboration of technical cooperation matters in the Council had yet to be observed, the Board underlined the importance of identifying a mechanism which would ensure that the work of the Council had a real impact on the ground. With regard to the working methods of the Council, the Board took note of the Council review to be completed by 2011.

31. The Board received an update on the progress of the universal periodic review and expressed its satisfaction over the internal process within OHCHR with regard to preparation of relevant documents. The Board learned about several review experiences at the country level, including with regard to disseminating information to local stakeholders, assisting the State under review in consultations on drafting the national report, providing training to States and civil society organizations, and utilizing recommendations to engage the Government and United Nations country teams in the consideration of key human rights issues. The Board was also informed that two trust funds to support the universal periodic review process had been formed; one is used to facilitate the travel of delegations to participate in review sessions, while the other, which is not operational yet, is aimed at providing support to the follow-up of review recommendations. The Board reiterated the importance of follow-up to the universal periodic review, and asked to be kept informed on developments regarding any additional resources for

relevant training and for technical assistance in the implementation of recommendations. The Board also suggested that the experience of the Voluntary Fund be taken into account for the administration of the universal periodic review funds.

32. The Board was updated on recent developments with regard to treaty body reform, including a new mechanism for individual complaints. It reiterated the importance of the treaty body system and emphasized the need for developing common policies and guidelines that would allow for a minimum of standardization with regard to States' reporting obligations. The Board also emphasized the importance of providing technical assistance to States that do not have the institutional capacity to meet their reporting obligations. The Board was updated on the recent development of the Universal Human Rights Index, a tool for searching the most recent treaty body outcomes. The index is accessible in the six official languages of the United Nations.

33. In view of possible overlapping of universal periodic review and treaty body recommendations, and the concern that they could be competitive rather than complementary, the Board emphasized the need for a coordination mechanism between the universal periodic review mechanism and treaty bodies. At the same time, the Board acknowledged the importance of the recommendations of treaty bodies and special procedure with regard to universal periodic review compilations and discussions.

34. The Board was informed on recent developments with regard to special procedures, including the completed review of mandates and the selection of 27 new mandate holders. The Board was briefed on positive institutional developments in the area of information management and integration of the recommendations of special procedures into country engagement strategies. It also underlined the importance of ensuring continuity and of having an adequate mechanism for knowledge transfer.

#### VII. FINANCIAL SITUATION OF THE VOLUNTARY FUND

35. The Finance and Budget Section and the Donor and External Relations Sections of OHCHR provide the Board of Trustees with an update on the financial situation of the Voluntary Fund at each session. As at 31 December 2008, the total estimated income of the Voluntary Fund was \$14,264,720. The estimated balance is \$10,910,058, considering the 2007 carry-over of \$8,729,209. The fund balance will be used to meet the Voluntary Fund for Technical Cooperation 2009 budget amounting to \$17,299,103.

36. The Board noted with interest the donation received from the MacArthur Foundation and encouraged the Office to continue building partnerships with the private sector. It also reiterated the importance of receiving funds from a wide range of donors, including from countries that benefit from the Fund, and would like to encourage those countries to contribute to the Fund, given that even modest contributions are an important sign of support for the activities carried out under it.

#### Annexes

#### I. ESTIMATED STATEMENT OF 2008 INCOME AND EXPENDITURE FOR THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (31 DECEMBER 2008)\*

	US\$
Income 2008	
Voluntary contributions	13 837 059
Miscellaneous and interest income	427 661
Total income	14 264 720
Expenditure 2008**	
Staff costs	6 284 106
Experts' and consultants' fees and travel	847 184
Travel of staff	592 871
Travel of representatives	20 520
Contractual services	735 814
General operating expenses	632 164
Supplies and materials	452 714
Grants, contributions and seminars	2 217 169
Programme support costs	1 452 167
Total expenditure	13 234 709
Net excess/(shortfall) of income over expenditures for the period	1 030 011
Fund balance end of period 31 December 2007	8 729 209
Prior period adjustments/savings	1 150 838
Transfer/refund to donors	0
Total project balance as at 31 December 2008	10 910 058

\* The statement was prepared by the Finance and Budget Section of OHCHR and should not be considered an official United Nations financial document.

\*\* Includes disbursements and obligations.

	US\$	
Austria	141 955.84	
Colombia	7 432.00	
European Commission	696 322.53	
Finland	339 035.77	
Germany	946 372.24	
India	50 000.00	
Ireland	529 500.76	
Italy	490 963 13	
Japan	100 000.00	
Liechtenstein	19 138.76	
Norway	2 169 625.25	
Organisation internationale de la Francophonie	88 781.31	
Panama	1 500.00	
Republic of Korea	280 000.00	
Russian Federation	300 000.00	
Spain	134 770.89	
South Africa	18 213.34	
Sweden Int. Dvlpt. Cooperation Agency	1 340 700.00	
Swiss Agency for Development and Cooperation	1 315 789.47	
United States of America	4 713 458.00	
The MacArthur Foundation	100 000.00	
UNDP Uganda	53 500.00	
Total	13 837 059.29	

# II. LIST OF DONORS TO THE VOLUNTARY FUND IN 2008\*

\* The list was prepared by the Finance and Budget Section of OHCHR and should not be considered an official United Nations financial document.

III. STATUS OF EXPENDITURE FOR 2008	III.
(AS AT 31 DECEMBER 2008)*	

Field Operations and Technical Cooperation Division	US\$
1. Human rights advisers	
Activities implemented by OHCHR advisers in United Nations	
country teams	
Ecuador	399 826
Georgia	740 781
Guinea	406 102
Guyana	147 335
Indonesia	114 653
Kenya	357 337
Nicaragua	125 930
Pakistan	231 072
Russian Federation	630 615
Somalia	141 216
Sri Lanka	113 433
Subtotal	3 408 300
2. Human rights components of United Nations peace missions	
Activities implemented by Human Rights Units of peace missions	
Afghanistan	757 294
Côte d'Ivoire	130 515
Eritrea/Ethiopia	75 864
Haiti	317 947
Liberia	54 336
Sierra Leone	364 374
Sudan	911 493
Timor-Leste	407 147
Subtotal	3 018 970
3. OHCHR country offices	
Activities implemented by OHCHR Field Presences	
Bolivia	1 103 724
Mexico	1 572 067
Palestine	1 764 948
Province of Kosovo	821 329
Togo	1 182 289
Uganda	363 082
Subtotal	6 807 439
Total 2008 expenditures (including 13% PSC)	13 234 709

\* The list was prepared by the Finance and Budget section of OHCHR and should not be considered an official United Nations financial document.

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