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### Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

## Follow-up to the World Conference on Human Rights: report of the United Nations High Commissioner for Human Rights

### *Summary*

This report is the annual report of the United Nations High Commissioner for Human Rights, Navanethem Pillay, on the activities undertaken in 2009 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to implement its mandate.

The report describes the support given to the work of the Council and its mechanisms, focusing on the universal periodic review and the special procedures. It also elaborates on progress in, and challenges to, specific thematic human rights issues. It provides an overview of the work of OHCHR at the country and regional levels, including its 56 field presences, and highlights efforts to respond rapidly in the face of deteriorating human rights situations. A report on the Durban Review Conference is provided, as are strategies to ensure the effective implementation of its Outcome Document. The increasing impact and effectiveness of the human rights treaty bodies are also emphasized.

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## **I. Introduction**

1. The present report, which should be read together with the High Commissioner's report to the General Assembly (A/64/36), constitutes the High Commissioner's annual report submitted pursuant to Human Rights Council decision 2/102. The report notes a number of serious human rights challenges that have predominated during 2009, particularly the food, economic and financial crises, and a subsequent deterioration of the ability of vulnerable groups to enjoy their basic human rights and fundamental freedoms. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has addressed these challenges by reinforcing the work and emphasizing the relevance of the international human rights mechanisms and has engaged in dialogue and cooperation with Member States and other stakeholders.

## **II. Support for the work of the Human Rights Council and the effective functioning of its mechanisms**

2. With the support of OHCHR, the Human Rights Council held four special sessions on the human rights situations in several countries, and two thematic sessions: one on the global food crisis and another on the economic crisis. OHCHR continued to support country missions including the Fact Finding Mission on the Gaza Conflict and a mission to Honduras (see section IV below).

3. As the Council begins the process of the review of its work and functioning, it is important that it not be diverted from taking up pressing human rights issues that the Council has a core responsibility to address. Accordingly, the review established pursuant to paragraphs 1 and 16 of General Assembly resolution 60/251 should be carefully framed. This is an exercise distinct from the 2006 reform, consisting of layered adjustments rather than one major process. It relates to the status of the Council, including its relationship with the General Assembly, and its working methods and functioning. The Council is called upon to build on the results of the comprehensive reform in 2006 and ensure better functioning of the existing human rights machinery. The review process offers an opportunity to take stock of the Council's achievements objectively, identify areas in which adjustment is necessary and analyse challenges. These efforts should take a pragmatic approach and be conducted in an inclusive manner, in a spirit of cooperation, aimed at reaching consensus at the Council and the General Assembly.

4. Specific areas to be considered include ways to enhance the transparency and predictability of the Council's annual programme of work, spreading its work more evenly throughout the year; crafting a clearer delineation of the relationship between the Council and its subsidiary organs; and measures to stimulate cross-regional initiatives, more systematic and active engagement with United Nations departments, funds and programmes, and specialized agencies.

5. The positive trend of dedicating in-session segments to thematic panel discussions has continued. This has allowed the Council to consider a wide range of topics, such as climate change and persons with disabilities, and to draw on available expertise. The further diversification of discussion formats should be encouraged, but modalities may need to be refined to ensure that the Council's regular sessions are not overburdened.

6. The Council has been innovative in approaching thematic issues. However, in the case of the universal periodic review, where country situations are concerned, it still operates on the lines of the inflexible framework of the Commission. No country is free of human rights challenges and the Council must be in a position to consider all human rights

violations whatever their scope and wherever they occur. Further thought should be given to expanding the Council's toolbox so it can promptly and effectively deal with urgent or chronic human rights issues at the national, subregional or regional levels. This may require broadening the possible outcomes of special sessions, the formulation of presidential declarations, in addition to resolutions, or in-session special sittings. Innovative discussion formats, and modalities and new types of action would be required to enhance the Council's role as the principal intergovernmental body in the field of human rights.

7. During my interactive dialogues with the Human Rights Council and the Third Committee of the General Assembly in March and November respectively, I noted the breadth of human rights issues raised by delegations, which provided the context for in-depth dialogue on the full range of civil, cultural, economic, political and social rights, as well as on all aspects of the High Commissioner's mandate. Dialogues with the Council and the Assembly are essential to ensure that we remain responsive to the human rights concerns of the international community. The Council review should provide a context in which these opportunities are rationalized, so as to maximize their impact and take the best advantage of the specificity of each organ. The number of informal interactions with the international community on various aspects of the High Commissioner's mandate with a view to upholding transparency and cooperation with all stakeholders also increased during the year.

#### **A. Universal periodic review**

8. The universal periodic review is the most significant innovation of the Council. It confirms my own view of human rights: that there is no country free from human rights violations. The achievement of a genuinely universal process testifies to the credibility of the Council, and positive results have been achieved so far. A number of refinements could be considered before the commencement of the second review cycle to prevent it becoming routine, and to ensure that it reaches its potential of being a reliable and truthful witness to country situations, as well as being a means of providing a road map for the implementation of recommendations aimed at filling policy, legal and practical gaps at the national level.

9. By the end of December 2009, half of all Member States had been reviewed, with all States under review participating, and their peers being fully engaged at the various stages of the process. A broad range of recommendations relating to all areas of human rights were made during each universal periodic review. These ranged from calls for ratification of human rights treaties, enactment of national legislation and deepened cooperation with human rights mechanisms, to recommendations for specific action and measures at the national level. This shows the interest and seriousness with which States have approached the universal periodic review. However, devising practical mechanisms to follow up and ensure implementation of these recommendations is an important challenge for the future. States should continue to formulate concrete, actionable and tangible recommendations and reflect on ways to further rationalize, streamline and cluster recommendations. Where follow-up and implementation is concerned, it is imperative that ways and means be found to involve States under review, United Nations entities, and all other relevant stakeholders in a common effort to identify specific steps to accelerate national implementation of recommendations. OHCHR is also establishing a mechanism to support follow-up on the basis of the funding provided by the Voluntary Fund for Financial and Technical Assistance for implementation of the universal periodic review.

## B. Special procedures

10. Strengthening international human rights mechanisms and supporting the development of international human rights law is one of the six priorities of OHCHR for the next biennium. The work undertaken by the special procedures, their dialogue with States, monitoring, public reporting, country visits, outreach, accessibility and direct interventions, including through the hundreds of communications they send each year, is critical to the promotion and protection of human rights worldwide. The support provided by many States to the special procedures is much appreciated, and in line with Council resolution 5/2, all should fully cooperate and assist special procedures in the performance of their tasks. Two standing invitations to special procedures were issued in 2009, making a total of 65 States which maintain such invitations. Informative responses to special procedures' communications should also form part of enhanced cooperation with these mechanisms, as should constructive engagement in substantive discussions of their reports, facilitating the conduct of missions, and actively ensuring follow-up to recommendations and conclusions. States should also provide the space for special procedures to exercise their mandates in full independence and with the confidence that honest, constructive and even robust dialogue with States about matters of substance will not be couched in terms of misconduct.

11. A hallmark of the system has been the direct accessibility of special procedures to victims and witnesses, and their capacity to work closely with human rights defenders. During 2009, there have been several incidents, including killings of persons who had engaged with special procedures mandate holders. Free interaction between experts and all stakeholders, many of whom are civil society actors, is an important indicator of cooperation with international human rights mechanisms and States should ensure that all those who are in contact with special procedures are free from reprisal.

12. There is now a comprehensive system of special rapporteurs, representatives, independent experts and working groups covering all sets of rights and several country situations. In all there are 39 mandates — 31 thematic, including the new mandate in the field of cultural rights, and eight country mandates — with 55 mandate holders. During 2009, OHCHR facilitated the selection process for new mandate holders and their integration into the system through information sessions and briefings, as well as through supporting the Special Procedures Coordination Committee's orientation sessions. The enhanced transparency of the selection process through the Consultative Group's provision of more detailed public explanations for its recommendations to the Council President is a welcome development. Expertise on the substantive issues of the mandate should be the primary consideration in the appointment of the 10 new experts who will take up their functions in 2010. Approximately one third of mandate holders are women, but as the international community conducts the 15-year review of the implementation of the Beijing Declaration and Platform for Action, there remains room for improvement so as to achieve full gender equality.

13. The special procedures complement and add value to other international human rights mechanisms, including to other Council and human rights treaty bodies. They have an important role in early-warning processes and drawing the international community's attention to emerging issues and global crises, as recently emphasized during a side event convened by OHCHR during the sixty-fourth session of the General Assembly. The Council has mandated groups of thematic and country rapporteurs with additional tasks, such as reports on specific human rights situations in the context of special sessions, for example on the Sudan, the Occupied Palestinian Territory and the Democratic Republic of the Congo. As a result of an open invitation extended by the President through their Coordination Committee, special procedures' voices are heard at all Council special sessions.

14. Special procedures have also worked closely with other Council mechanisms. For example, the UPR interactive dialogues with States under review included discussions of issues raised by special procedures, and countries have pledged greater cooperation. Special procedures have made important contributions to the thematic panels and other discussions of the Council. They have been supported by OHCHR in their interaction with subsidiary bodies of the Council, including the Forum on Minority Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Social Forum, and in following the work of the Advisory Committee. Special procedures contributed to the successful outcome of the Durban Review Conference, and will actively participate in its follow-up.

15. Special procedures have continued to be important in the development of international human rights law. The Working Group on the use of mercenaries is considering elements for a possible draft convention on the activities of private military and security companies. The Special Rapporteur on the right to food developed a set of core principles and measures to address the human rights challenge posed by large-scale land acquisitions and leases. The Working Group on Enforced and Involuntary Disappearances — which this year commemorates its thirtieth anniversary — adopted its general comment on enforced disappearance as a crime against humanity. Thematic mandate holders have also jointly addressed cross-cutting issues through comprehensive analysis and recommendations, for example in relation to secret detention in the context of counter-terrorism and discrimination.

### **III. Developments in strategic thematic areas**

#### **A. Combating discrimination and support to victims**

16. Among the priority themes OHCHR has identified for the next biennium is countering discrimination, in particular racial discrimination, xenophobia and related intolerance, discrimination on the grounds of sex, disability, against indigenous groups and national minorities, and against others who are marginalized. Equality before the law and freedom from discrimination constitute basic legal principles that underpin all human rights, with the Universal Declaration of Human Rights and international human rights treaties containing provisions prohibiting discrimination and establishing State obligations to refrain from discriminatory policies and practices and take active steps to eradicate discrimination in both the public and private spheres. The roots of most human rights abuses, including in situations of conflict, lie in severe violations of these principles. To underscore the importance of combating discrimination and related violations, OHCHR selected the theme of “Embrace diversity, stop discrimination” for the 2009 Human Rights Day activities which took place around the world.

#### **B. Indigenous and minority issues**

17. It is essential to translate standards of the United Nations Declaration on the Rights of Indigenous Peoples from aspiration to practice. OHCHR, in close cooperation with indigenous representatives and other partners, has continued to play a leading role in this process, promoting the use of the Declaration by national human rights institutions and other key actors. In addition to undertaking country-specific activities to advance the rights of indigenous peoples this year, OHCHR has also pursued thematic work on challenging issues such as the rights of isolated indigenous peoples. It supported the Expert Mechanism on the Rights of Indigenous Peoples and organized an inclusive workshop to contribute to the Expert Mechanism’s first thematic study on the right of indigenous peoples to education. OHCHR also contributed to strengthened inter-agency cooperation, the work of

the Permanent Forum on Indigenous Issues and supported capacity-building among indigenous peoples such as through a fellowship programme and a voluntary fund.

18. OHCHR has supported activities to enhance the visibility and impact of the Minorities Declaration and other key standards. Its minority fellowship programme contributed to the development of advocacy skills of minority representatives, who subsequently launched concrete initiatives advancing minority rights at the local level. Support for the Forum on Minority Issues continued, which highlighted political participation at its second session. OHCHR further developed its work on policing and minority communities including through a subregional consultation held in Johannesburg in October 2009 to collect good practices in this area.

### **C. Gender equality and women's rights**

19. The move to create a consolidated United Nations gender entity, the thirtieth anniversary of the adoption by the General Assembly of the Convention on the Elimination of All Forms of Discrimination against Women, and the reiteration by the Security Council that rape and other forms of sexual violence against women in conflict are a threat against international peace and security, have created increased momentum for action with respect to women's rights. With the upcoming review of the implementation of the Beijing Platform of Action, OHCHR will build on its previous work and step up its efforts towards the promotion and protection of women's rights.

20. OHCHR has facilitated the integration of women's rights and a gender perspective into the work of the Human Rights Council, and it is significant that maternal mortality and equality before the law will be subject to in-depth consideration by the Human Rights Council during its fourteenth and fifteenth sessions. Support has been provided to the Committee on the Elimination of All Forms of Discrimination against Women to assist in its task of examining the implementation of the Convention, and the Special Rapporteur on violence against women, its causes and consequences, and other special procedures. OHCHR has continued to be active in inter-agency initiatives such as the United Nations Action against Sexual Violence in Conflict and an inter-agency sub-working group establishing the team of experts called for in Security Council resolution 1888 (2009) relating to rape and other forms of sexual violence as a weapon of war.

21. During 2009, gender advisers were recruited to four OHCHR regional offices (Fiji, Lebanon, Panama and Senegal), in order to respond better to Government requests for guidance on the integration of a gender dimension into national policies and programmes.

### **D. Combating impunity and the prevention of genocide**

22. The rule of law forms the foundation of legal protection of human rights and combating impunity, and during 2009, OHCHR continued to play a lead role within the United Nations system to combat impunity, strengthen accountability and to establish and entrench conditions for democracy and the rule of law. Support was provided to the independent international fact-finding missions concerning Gaza and Guinea, and OHCHR continued to engage with Governments and other national actors to promote principles of accountability and rule of law, to provide examples of best practice and technical advice and assistance. Briefings to the Security Council were provided, at its request, during the Security Council's debate on the protection of civilians in armed conflict, its consultations on the application of humanitarian law in conflict situations, during its retreat on protection issues, and the meetings of its Counter-Terrorism Committee.

23. The lead role of OHCHR on transitional justice within the United Nations system provided the Office with the opportunity and the responsibility to explore and develop issues related to transitional justice. OHCHR convened an Expert Workshop on Lessons Learned and Future Directions on Transitional Justice in May 2009, the results of which were provided to the Human Rights Council at its twelfth session. In the area of disarmament, demobilization and reintegration, my Office actively engaged with the Department of Peacekeeping Operations on the development of guidelines to operationalize the role of United Nations agencies in this area. OHCHR also issued a guidance note on national human rights institutions (NHRIs) and organized a regional conference in Africa on the role of NHRIs in facilitating justice and peace, particularly in the establishment of transitional justice mechanisms in post-conflict societies.

24. Impunity is a feature of conflict, and the interaction between human rights law and international humanitarian law is critical to OHCHR efforts to combat impunity. At the request of the Council, OHCHR, in consultation with the International Committee of the Red Cross, organized an expert meeting on the issue of protecting the human rights of civilians in armed conflict. The meeting underlined the complementary and mutually reinforcing nature of human rights law and international humanitarian law and considered appropriate mechanisms to monitor the implementation of human rights in situations of armed conflict. As requested by the Council, a second meeting will take place in 2010.

25. The primary guardians of accountability at the national level, on behalf of the State, are the various components of the formal justice system, including police, judges, military courts, prosecutors, lawyers and corrections staff. Throughout 2009, OHCHR continued to work with these bodies in order to provide them with the knowledge, capacity and willingness to discharge their duties in the context of human rights. Regional colloquia for judges, training on the monitoring of legal systems in peace missions, and the expert promotion of administrative justice as means of securing human rights were used to engage the formal justice system. OHCHR continued to draw particular attention to the rights of detainees, particularly pretrial detainees, following the launch of its year-long campaign on this issue in December 2008, as well as the rights of those sentenced to death.

26. Impunity is facilitated if the rule of law is not underpinned by an appropriate constitutional framework. In 2009, OHCHR continued to provide technical assistance to States on constitution-making and constitutional reform. OHCHR built on its previous work on the prevention of genocide providing technical support to the Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, respectively, as well as support to initiatives of Member States.

## **E. Migration**

27. The plight of migrants, and particularly migrants in irregular situations, is one of the most critical human rights challenges. Migration can be positive for migrants and home and host societies, but the reality for many migrants is discrimination, exploitation and abuse. OHCHR has continued to advocate, including through its active participation in the Global Migration Group (GMG), a human rights approach to migration which places human rights obligations at the centre and promotes the use of human rights mechanisms to promote and protect the rights of migrant women, men and children at all stages of the migration process. From July to December 2010, OHCHR will take over the rotating chair of the GMG, providing an opportunity to further strengthen its leadership and contribution to United Nations system-wide efforts on migration.

28. Efforts to promote the ratification of the International Convention on the Rights of Migrant Workers and Members of Their Families, including through the coordination of the Steering Committee of the Global Campaign for Ratification of the International

Convention on the Rights of Migrant Workers and Members of Their Families have continued. OHCHR field presences have increasingly engaged in migration-related work including the promotion of the Convention and other relevant instruments, through training activities, advocacy, technical advice and other capacity-building initiatives.

## **F. Economic, social and cultural rights in the light of the food, energy and financial crises**

29. Many individuals and communities who faced the food and energy crises in 2008 saw their situation worsen in 2009. The global economic crisis has led to massive job losses, particularly in the developed world, and the contraction of several areas of the global economy. Some sectors such as construction, infrastructure and services have been directly affected, but other areas of production such as small-scale farming and small, often family-run, enterprises and service providers have also experienced significant difficulties. Workers who were already vulnerable have seen their capacity to negotiate salaries or protection mechanisms further reduced. In many countries, this has been compounded by reductions in public allocations to, and investments in, social services. Despite calls to ensure social protection for all in times of crises, some Governments have reduced their budget allocation to these areas while lending large amounts to private financial institutions.

30. Throughout 2009, OHCHR actively and systematically engaged in international discussions and policy debates around the financial and economic crisis. It supported the Council's tenth special session on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights, held in February 2009. It also participated in the General Assembly high-level Conference on the World Financial and Economic Crisis, held in June 2009.

31. OHCHR is contributing to several ongoing initiatives of the United Nations System Chief Executives Board for Coordination, including the initiative on a social protection floor. It also supported the 2009 Social Forum of the Human Rights Council, and several special procedures mandate holders who highlighted the impact of the crises on human rights relevant to their mandates.

32. With regard to the global food crisis, OHCHR participated in the High Level Task Force for the Global Food Security Crisis and in February 2009 the Deputy High Commissioner participated in the World Summit on Food Security stressing the role that the right to food should play in the global and national solutions to the crisis. In light of the need to study the effects of the crisis on specific groups, OHCHR has worked to mainstream the human rights of persons with disabilities into development policies.

## **G. Climate change**

33. The adverse effects of climate change impact on economies and ecosystems and individuals and communities. In the latter context, the impact of climate change is not only related to environmental factors, but also to policies and measures to protect vulnerable populations and, accordingly, in their response to the multiple challenges of climate change adaptation and mitigation, States must give due regard to international human rights norms and standards.

34. At its tenth session in March 2009, the Human Rights Council considered the OHCHR study on the relationship between climate change and human rights (A/HRC/10/61), and adopted resolution 10/4 on human rights and climate change. As requested by the Council, OHCHR supported the organization of a panel discussion of the

Council on this issue in June 2009, and prepared a summary of the discussion which was made available, together with the OHCHR study, to the fifteenth Conference of Parties to the United Nations Framework Convention on Climate Change (COP15), held in Copenhagen in December 2009. OHCHR also participated in high-level planning meetings organized on climate change within the United Nations system. The importance of considering the human rights implications of climate change-related effects has been emphasized through a number of public statements, including a video message on the UN “Seal the Deal” campaign website and a contribution to the Climate Thinkers Blog on the COP15 host country website (<http://en.cop15.dk/blogs/climate+thinkers+blog>).

## **H. The right to development**

35. The effective realization of the right to development is one of the OHCHR priorities. It provided substantive and analytical support to the open-ended Working Group on the Right to Development, including in the implementation of the 2008–2010 workplan of its expert mechanism, the High-level Task Force on the Implementation of the Right to Development. Regarding global partnerships for development identified in Millennium Development Goal 8, my Office commissioned independent studies in the areas of trade, access to essential medicines, debt relief and transfer of technology, and supported technical missions and expert consultations with relevant international entities. OHCHR continued to nurture and deepen the dialogue initiated with those institutions and partnerships with a view to mainstreaming the right to development in their policies and programmes.

36. Efforts were also made to strengthen the global partnership for development between Member States and other stakeholders. A number of activities were organized individually, or in partnership with these actors, including a panel discussion on the development and applicability of Human Rights Impact Assessments of trade agreements at the 2009 World Trade Organization Public Policy Forum; a parallel event to the sixty-fourth session of the General Assembly which considered the linkages between human rights and financing for development, with a special focus on the right to development perspective; an interactive dialogue on the integration of a right-to-development perspective in the implementation of the World Intellectual Property Organization (WIPO) Development Agenda; and an expert meeting on improved interaction between the universal periodic review and the African Peer Review Mechanism, with increased consideration of the right to development. OHCHR also facilitated active, open and multi-stakeholder dialogue on the issues of poverty eradication and human rights through the organization of the 2009 Social Forum of the Human Rights Council.

## **I. Human rights mainstreaming**

37. At the request of the Secretary-General, throughout 2009 OHCHR led inter-agency consultations to develop a follow-up mechanism to the Action 2 inter-agency initiative to strengthening further efforts to mainstream human rights into United Nations operational activities for development. In November, the United Nations Development Group established a dedicated mechanism on human rights mainstreaming which will be chaired by my Office and will further strengthen system-wide coherence, collaboration and support for resident coordinators and United Nations country teams in mainstreaming human rights. Building upon the achievements of the Action 2 inter-agency programme, OHCHR will continue to institutionalize mainstreaming efforts and partnerships with United Nations agencies, including on thematic issues, and develop national capacities and follow-up to recommendations of United Nations human rights mechanisms at the request of States.

38. A fundamental component of Action 2 and its follow-up mechanism has been the placement, at the request of resident coordinators, of human rights advisers in all regions of the world. Eighteen advisers, mandated to support United Nations country teams to mainstream and integrate human rights into their programmes and activities have been provided by OHCHR. In addition to working with the country team, these advisers have provided technical assistance on human rights issues to Government ministries and national human rights institutions.

39. Direct support was also provided during 2009 to several United Nations country teams, in Azerbaijan, Belarus, Cambodia, China, Georgia, Indonesia, Serbia, the former Yugoslav Republic of Macedonia, and Uruguay, to assist in integrating human rights into preparation of their United Nations Development Assistance Frameworks. OHCHR also cooperated with the United Nations System Staff College and the United Nations Development Operations Coordination Office to provide training and induction to newly appointed resident coordinators and agency country representatives. As a contribution to the ongoing United Nations reform efforts on system-wide coherence, in November 2009 my Office convened a workshop during which “Delivering as One” pilot country teams shared experiences and identified good practices and lessons learned in mainstreaming human rights and supporting national efforts on human rights capacity-building.

40. OHCHR has paid increasing attention to supporting efforts to mainstream human rights into national policies, particularly in the context of country-led poverty reduction strategies and national Millennium Development Goals, in accordance with the Member States commitment at the 2005 World Summit. At the request of Governments, OHCHR supported country-level piloting efforts in Haiti and Liberia aimed at strengthening human rights perspectives in national development planning and monitoring process.

#### **IV. The work and cooperation of the Office of the High Commissioner at the country and regional levels**

41. The approach of OHCHR to addressing human rights concerns is through a constructive dialogue with all relevant national counterparts, as well as through partnerships within the United Nations system and increasingly, with regional organizations. The work and cooperation of OHCHR with counterparts at the country level is multifaceted, conducted through human rights field presences, support for human rights mechanisms and dialogue between the High Commissioner and Member States, including through regular bilateral meetings, open or confidential communication, country visits by the High Commissioner, and technical cooperation programmes or rapid response operations.

42. In December 2009 OHCHR had 56 field presences: 12 regional presences,<sup>1</sup> 11

<sup>1</sup> Regional presences included the following: the OHCHR Regional Office for Southern Africa (Pretoria, South Africa); the OHCHR Regional Office for East Africa (Addis Ababa); the OHCHR Regional Office for West Africa (Dakar); the United Nations Sub-Regional Centre for Human Rights and Democracy in Central Africa (Yaoundé); the OHCHR Regional Office for Southeast Asia (Bangkok); the OHCHR Regional Office for the Pacific (Suva); the OHCHR Regional Office for the Middle East (Beirut); the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region (Doha); the OHCHR Regional Office for Europe (Brussels); the OHCHR Regional Office for Central Asia (Bishkek); the OHCHR Regional Office for Central America (Panama City) as well as the OHCHR Regional Office for South America (Santiago).

offices at the country level,<sup>2</sup> 15 human rights components in United Nations peace missions,<sup>3</sup> and 18 human rights advisers in United Nations country teams.<sup>4</sup> The United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region in Doha was inaugurated in May 2009 and the Regional Office for Europe in Brussels, in October 2009. In September 2009 an agreement was signed with the Government of Mauritania on the establishment of an OHCHR country office. The renewal of agreements for existing offices is an encouraging sign and, in this context, I would like to thank the Governments of Uganda and Nepal for demonstrating their continued trust and cooperation through their renewed agreements. The establishment of an OHCHR Regional Office for North Africa remains under discussion.

43. Since the establishment of a rapid-response unit in 2006, the OHCHR capacity to act promptly on the ground in the face of deteriorating human rights situations has been steadily strengthened. It has continued to provide support to short-term missions and commissions of inquiries aimed at providing technical advice in the aftermath of crises, as well as for the implementation of resolutions and decisions of the Human Rights Council. Through its rapid response capacity, OHCHR deployed a human rights officer to Honduras to assist the United Nations Country Team to respond to the political crisis; two human rights officers to Madagascar in the context of the political crisis, and a team of four human rights officers to Gabon to monitor the human rights situation during the presidential electoral period. Following the violence of 28 September 2009 in Conakry, OHCHR supported the Commission of Inquiry on the events in Guinea, established by the Secretary-General.

44. OHCHR also provided operational and technical support, including through the appointment of a secretariat, to the United Nations Fact Finding Mission on the Gaza Conflict established by the President of the Human Rights Council on 3 April 2009 “to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after”.<sup>5</sup> The final report of the mission was submitted to the Human Rights Council on 29 September 2009.

45. To reinforce national protection systems, OHCHR continued to support the establishment and strengthening of NHRIs, increasingly through engaging human rights field offices and United Nations country teams. The Office continued to advise requesting

<sup>2</sup> OHCHR country offices are located in Togo, Uganda, Cambodia, Nepal, Bolivia, Colombia, Guatemala and Mexico. In addition, OHCHR has a presence in the Occupied Palestinian Territory and in Kosovo. An agreement was signed in September 2009 between the High Commissioner and the Government of Mauritania establishing a country office in Mauritania. This office will be operational in the course of 2010.

<sup>3</sup> OHCHR supported the Human Rights Components of the following peace missions: BINUB (Burundi), BONUCA (Central African Republic), MINURCAT (Chad and the Central African Republic), MONUC (Democratic Republic of the Congo), UNMIS and UNAMID (Sudan), UNMIL (Liberia), UNIPSIL (Sierra Leone), UNPOS (Somalia), UNOCI (Côte d’Ivoire), UNOGBIS (Guinea-Bissau) UNAMA (Afghanistan), UNMIT (Timor-Leste), UNAMI (Iraq) and MINUSTAH (Haiti).

<sup>4</sup> Human rights advisers were posted or continued their work in the following countries: Burundi (covering the Great Lakes region), Guinea, Niger, Kenya, Rwanda; Indonesia (until 31 January 2010), Papua New Guinea, Sri Lanka; Ecuador, Nicaragua; Albania, the Republic of Moldova, the Russian Federation, Serbia, Georgia (covering the South Caucasus), Tajikistan, and the former Yugoslav Republic of Macedonia. This number also includes a human rights adviser within UNOWA (West Africa).

<sup>5</sup> Resolution S-9/1 of the Human Rights Council adopted on 12 January 2009 at the conclusion of its ninth special session.

Member States on the establishment, functioning and responsibilities of NHRIs in line with international standards. OHCHR promoted NHRI compliance with the Paris Principles, and sought to strengthen the capacity of these institutions to address core protection issues such as discrimination, torture and violations committed in the context of migration, and to generally reinforce the administration of justice and the rule of law. In collaboration with United Nations partners and regional networks of NHRIs, OHCHR assisted in the establishment or strengthening of 43 NHRIs worldwide. Continued secretarial support was provided to the Sub-Committee on Accreditation of the International Coordinating Committee of NHRIs which, by December 2009, had reviewed and accredited 64 NHRIs with “A status”, that is, fully compliant with the Paris Principles.

46. OHCHR continued to deepen its cooperation with regional organizations in Africa, the Asia-Pacific region, Europe and the Americas. OHCHR organized three regional consultations on enhancing cooperation between regional and international mechanisms for the promotion and protection of human rights in collaboration with the African Union, the Organization of American States and the Council of Europe. These consultations will ensure adequate planning for the international workshop on Regional Human Rights Mechanisms scheduled for May 2010, as called for in Council resolution 12/15, adopted on 1 October 2009.

47. Reflective of the ongoing United Nations system reform process relating to peace missions, OHCHR maintained its focus on the integration of human rights in peace missions and continued to work in close cooperation with the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Field Support. OHCHR continued to provide substantive and human resources support to human rights components of peace missions, including substantive backstopping of human rights components and supporting the release of public human rights reports by peace missions.

48. OHCHR continued to participate in inter-agency humanitarian mechanisms, particularly the Inter-Agency Standing Committee and its subsidiary groups, and the Global Protection Cluster Working Group. OHCHR prioritized its operational role in humanitarian contexts, namely in empowering human rights field presences to fully participate — and sometimes to lead — in collaborative efforts. OHCHR currently plays a lead role in protection coordination in Afghanistan, Burundi, Chad, Fiji (regional), Haiti, Iraq, Kyrgyzstan, Nepal, the occupied Palestinian territories, Samoa and Timor-Leste. OHCHR was also pleased to assist the Association of South-East Asian Nations (ASEAN) in the development of the ASEAN Intergovernmental Commission on Human Rights, launched in October 2009, the first regional body of its kind in the Asia-Pacific region.

## **V. The Durban Review Conference and its follow-up: steps towards implementation**

49. The Durban Review Conference was held in Geneva from 20 to 24 April 2009 and its Outcome Document was adopted by consensus. A significant accomplishment of the Conference was its generation of renewed commitment by States to the anti-racism agenda. Taking a rights-based approach, which places the International Convention on the Elimination of All Forms of Racial Discrimination at the centre of international efforts to combat racism, the Outcome Document urges Member States to do more at the national level, and in particular, to elaborate national action plans on racism and intolerance.

50. In my report to the Durban Review Conference (A/CONF.211/PC.4/5), I addressed contemporary challenges to the fight against racism and critically assessed the strengths and shortcomings of the OHCHR anti-discrimination programme, as well as the Durban follow-up intergovernmental and expert mechanisms. Proposals were put forward to help States

overcome differences in the curtailment of freedom of speech to protect individuals and groups from hate speech, and provided a vision to take the struggle against racism, discrimination and intolerance forward. I observed that while some progress has been made since the adoption of the Durban Declaration and Programme of Action, new challenges to the principles of equality and non-discrimination have appeared. These include the convergence of the global food crisis and the economic and financial crisis and their disproportionate impact on the most vulnerable; the intensification of hate speech against racial, ethnic, religious minorities; extreme xenophobic reactions against migrants; the political exploitation of real and perceived differences; and some counter-terrorism measures.

51. Parallel to the Durban Review Conference, 44 side events were organized, 3 of which were initiatives of other United Nations entities. These events contributed substantively to the discussion of ways to combat racism and will be compiled in an OHCHR publication.

52. Following the Durban Review Conference, I established an in-house Task Force whose primary task is to advise me on the best strategy to implement the recommendations of both the Durban Declaration and Programme of Action and the Outcome Document effectively. The Task Force recommended the intensification of focus on: supporting post-Durban mechanisms; the development of a database and policy tools for the Office; the development of a programme of capacity-building focusing on, among others issues, supporting Member States, at their request to create adequate anti-discrimination legislation and national action plans; and public sensitization and constituency mobilization. Additional resources will be required if the Durban Declaration and Programme of Action and the Outcome Document are to be fully implemented.

53. Following the Conference, OHCHR conducted a number of activities aimed at the implementation of the Durban recommendations. Continued support was given to the sessions of the intergovernmental working group and the Ad Hoc Committee for the elaboration of complementary standards. Seminars were also convened in francophone Africa and Latin America to train stakeholders on strategies for developing national action plans and promoting good practices.

## **VI. Support for human rights treaties**

54. The human rights treaty bodies have become increasingly effective, with their output having greater impact. The creation of a tenth treaty body established by the International Convention for the Protection of All Persons from Enforced Disappearance is imminent. In September 2009 the Optional Protocol to the Covenant on Economic, Social and Cultural Rights was opened to signature, and more than 30 States have signed this instrument. In December 2009, an open-ended Intergovernmental Working Group met to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure complementary to the reporting procedure under the Convention.

55. The growth of the human rights treaty body system provides challenges to OHCHR, including in terms of the management of the workload of the treaty bodies and States Parties, and in relation to the coherence of the system. OHCHR will further harmonize its own working methods to ensure better support to the work of the treaty bodies. However, additional human and financial resources will be required to address this increasing workload and I encourage Member States to consider providing regular budget support in this respect. The treaty bodies have continued to harmonize their working methods, and their achievements include the adoption of reporting guidelines for a Common Core

Document and revised harmonized treaty-specific reporting guidelines; streamlining approaches to the issue of reservations; the production of “lists of issues” by all treaty bodies; and the standardization of technical terminology. The Inter-Committee Meetings have been of pivotal importance. At its tenth meeting in December 2009, the Inter-Committee Meeting recommended that it should meet annually in reduced membership, while at the same time establishing thematic working groups composed of one expert per treaty body to discuss specific matters of common concern directed to harmonization of working methods. In recent statements to the Human Rights Council and the General Assembly, I have called on all stakeholders to develop proposals which could lead to a more rational, coherent, coordinated and effective human rights treaty body system. Treaty body experts are best placed to initiate such proposals, which should achieve the required balance between the specificity of tasks and coherence of outcome.

## **VII. The High Commissioner’s Strategic Management Plan 2010–2011**

56. In January 2010, OHCHR’s third Strategic Management Plan (SMP), setting out the expected accomplishments and operational strategy for the 2010–2011 biennium, was launched. SMP is based on Programme 19 of the Secretary-General’s Strategic Framework. Reviewed and approved every two years by the General Assembly, the Strategic Framework establishes the goals and strategic priorities of the United Nations human rights programme, including OHCHR’s mandated tasks, and forms the basis of its request for regular budget resources. Complementing this approach, the SMP presents synchronized planning, implementation, and evaluation processes, providing OHCHR with the detailed operational plan and the management tool required to translate the Strategic Framework into action. In November and December 2009, OHCHR provided briefings for Member States in Geneva and New York, and civil society organizations, on the 2010–2011 SMP.

57. In an effort to sharpen our operational focus, the SMP identifies six substantive human rights priorities, which encompass the work carried out at Headquarters and in the field. These are: (a) countering discrimination, in particular racial discrimination, discrimination on the grounds of sex and against others who are marginalized; (b) pursuing economic, social and cultural rights and combating inequalities and poverty, including in the context of the economic, food and climate crises; (c) ensuring the realization of human rights in the context of migration; (d) combating impunity and strengthening accountability, the rule of law, and democratic societies; (e) protecting human rights in situations of armed conflict, violence and insecurity; and (f) strengthening international human rights mechanisms and the progressive development of international human rights law. Detailed strategies have been developed in respect of each of these priorities, taking into account OHCHR’s expertise, experience and capacity to add value to the work of the United Nations system as a whole.

## **VIII. Conclusion**

58. **During 2009, OHCHR capitalized on the growth and consolidation of previous years. With the Human Rights Council and the universal periodic review in full operation, a dynamic system of support to special procedures and human rights treaty bodies in place, a high quality of expertise on substantive issues available in-house and the existence of a stronger field presence, the Office’s achievements are impressive.**

59. **The entry into force of several new international human rights treaties, resulting in the creation of new treaty bodies, as well as further developments in the**

system of special procedures, have required a reconfiguration of our work. It is important we strengthen the treaty body system by accelerating the harmonization of their working methods and all stakeholders are encouraged to reflect on this topic. At the same time, additional capacity and regular budget resources will be required for OHCHR to ensure that new special procedures mandates can be supported and that additional mandated activities can be implemented effectively, without negatively affecting other mandated areas of work of the experts. In 2009 OHCHR produced a very large number of reports to the Human Rights Council and the General Assembly, which placed significant demands on both the Office and United Nations conference services. Efforts are being made to rationalize submissions required from OHCHR and to ensure that there is adequate support to the United Nations Secretariat for the effective functioning of the human rights machinery.

60. Looking forward to 2010, OHCHR will focus its attention on supporting the human rights mechanisms, in particular the Council as it begins to review its functioning. OHCHR will continue to draw strongly on its field presences in developing and implementing capacity-building tools for Member States, United Nations entities, civil society and other stakeholders. It will prioritize enhanced and coordinated follow-up to the recommendations of the universal periodic review, special procedures and treaty bodies, as well as greater coherence and coordination. Given the scale of discrimination worldwide, particularly against women, OHCHR will continue to strengthen its work to eliminate all forms of discrimination. Follow-up to and implementation of the recommendations of the Durban Review Conference will be important in this regard. All OHCHR work will take account of the impact of the food, economic and financial crises, and will be directed towards crafting strategies for ensuring continuing global respect for human rights in the face of these crises. The six thematic priorities for 2010–2011 will provide a context in which OHCHR efforts in these important areas will be sharpened and allow it to link the efforts of staff working in different divisions of OHCHR headquarters, in New York and in the field more effectively.

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