



## General Assembly

Distr.  
GENERAL

A/HRC/4/49  
2 March 2007

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Fourth session  
Item 2 of the provisional agenda

### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

#### **Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference for Human Rights\***

##### **Summary**

This annual report to the Human Rights Council provides an opportunity to outline the efforts undertaken by the Office of the United Nations High Commissioner for Human Rights to implement a number of its priorities. It elaborates on the support given to the continued work of the Human Rights Council and its mechanisms, both in its reform initiatives as well as its ongoing substantive work. In this context, it equally raises attention to the important work of the special procedures, and the support given to them by OHCHR.

The report goes on to elaborate on the priority themes already identified in the Strategic Management Plan, and their implementation. Specifically, it provides a detailed outline of our continued efforts to strengthen country engagements, including but not limited to increased field presences. It equally highlights some key thematic expertise which continues to be prioritized, and strengthened both in their normative form as well as in their implementation. The report also touches specifically on the thematic issue of the death penalty, situating its sentencing and implementation within the international human rights legal framework, in an effort also to draw attention to the growing international trend towards its abolition. Finally, the report highlights the elaboration of new standard-setting instruments, and the Office's engagement in supporting the work of their respective monitoring mechanisms.

---

\* The present report was submitted after the deadline so as to reflect the most recent information.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1	3
I. SUPPORT FOR THE WORK OF THE HUMAN RIGHTS COUNCIL AND ITS MECHANISMS .....	2 - 12	3
II. STRENGTHENED COUNTRY ENGAGEMENT .....	13 - 34	5
III. STRENGTHENING THEMATIC EXPERTISE .....	35 - 55	9
A. Operationalizing the right to development .....	35 - 37	9
B. Rule of law and democracy .....	38 - 43	10
C. Trafficking .....	44	11
D. Equality and non-discrimination .....	45 - 48	12
E. Women's human rights and gender .....	49	12
F. Minorities .....	50 - 51	13
G. Indigenous peoples .....	52	13
H. Business .....	53	14
I. Economic, social and cultural rights .....	54	14
J. Human rights education .....	55	15
IV. THE QUESTION OF THE DEATH PENALTY .....	56 - 60	15
V. SUPPORT FOR NEW STANDARD-SETTING INSTRUMENTS .....	61 - 68	17
VI. CONCLUSION .....	69	19

## **Introduction**

1. This report is submitted pursuant to Human Rights Council decision 2/102. I submitted a comprehensive annual report on follow-up to the World Conference for Human Rights to the sixty-second session of the Commission on Human Rights (E/CN.4/2006/10) which I subsequently presented to the Human Rights Council at its second session. The current report should also be read in the context of my report submitted to the sixty-first session of the General Assembly (A/61/36).

### **I. SUPPORT FOR THE WORK OF THE HUMAN RIGHTS COUNCIL AND ITS MECHANISMS**

2. My Office continued to support the Human Rights Council during this transition period. The three Working Groups, representing six parallel institution-building processes, have achieved significant progress on a number of issues, particularly in relation to the review of the complaints procedure and expert advice.

3. In my recent report to the sixty-first session of the General Assembly (A/61/36), I noted that the establishment of the Universal Periodic Review mechanism would be a crucial test for the Council and that two critical elements, universality of coverage and the equal treatment of all Member States, should be guaranteed and fully integrated into the new mechanism from the outset. I also outlined other elements considered crucial for an inclusive, results-oriented, well-structured, comprehensive, manageable and transparent UPR process, in particular the willingness of countries under review to open themselves to genuine scrutiny, and the need to attain synergy and complementarity, rather than overlap and duplication, with other existing human rights mechanisms.

4. Having fully reflected on the broad range of proposals and possible options on UPR before the Council, I share the view that the comprehensive and substantive review of States' fulfilment of their human rights obligations and commitments, one that will provide a full understanding of a country's human rights situation and identify gaps that may require concerted action to improve protection capacity, will hinge upon - and can only be ensured through - an effective preparatory process. In this context, the Council should utilize, and would benefit from, the involvement of independent, qualified and experienced experts. My Office, of course, stands ready to provide support and assistance to the Council whatever modalities are developed and agreed upon in the near future.

5. As for the special procedures, it is a system which has developed over the past three decades and has played a crucial role in the protection and promotion of human rights. The issue of strengthening special procedures has taken on prominence as the system is being examined by the Human Rights Council. My Office has been actively contributing to these efforts. My staff is also providing support for, and has produced background documentation at the request of, the facilitator of the review of special procedures. At the same time, my Office is supporting the substantive participation of mandate-holders in various stages of the review process, with the Coordination Committee of Special Procedures.

6. In the meantime, my Office has continued to service the activities of the special procedures mandate-holders through its thematic, fact-finding and legal expertise; research and analytical work, as well as administrative and logistical support. In 2006, 41 individual special procedures mechanisms were supported by my Office, with submission of over 90 reports to the Council on thematic issues, including reports covering developments in over 40 countries. Supported by staff of my Office, special procedures mandate-holders conducted 46 country visits. Enhanced information-management tools have enabled mandate-holders to pay greater attention to analysing thematic and regional trends as well as identifying protection gaps. My Office has equally sought to bridge the work and activities of special procedures with my strategic priorities in particular in the areas of country engagement, reinforced thematic expertise, partnership development, and synergies with other human rights bodies. In doing so, greater coordination and harmonization of working methods have been supported amongst mandate-holders, and coordination has been enhanced with different parts of the Office; with international and regional human rights mechanisms, in particular the Council and treaty bodies; as well as with partners in civil society.

7. Through additional human resources, my Office has supported the increasingly active Coordination Committee of Special Procedures, now in its second year of existence and re-elected at the thirteenth annual meeting of special procedures, held in June 2006. Support has notably been provided for regular consultations and joint activities of the Committee and other mandate-holders.

8. I trust that the review process currently undertaken by the Council will lead to maintaining and strengthening the special procedures system, which the former Secretary-General recently called the “crown jewel” of the human rights machinery. As noted in my report to the sixty-first session of the General Assembly, I believe that the Human Rights Council should ensure, to the fullest extent possible, universal coverage of human rights issues while focusing on those human rights situations that warrant special or urgent attention. The Council could encourage States to increase their cooperation with and follow-up to the work of special procedures, and to regularly extend to them invitations, in particular standing invitations.

9. Albeit in a transition period, the Human Rights Council has nevertheless also made significant substantive advances, including the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. However, action on the Declaration on the Rights of Indigenous Peoples was deferred until the end of the sixty-first General Assembly session. It is worthwhile recalling that General Assembly resolution 60/251 expressly mandates the Council to make recommendations to the General Assembly for the further development of international law in the field of human rights, and this is an important aspect of the Council’s work that needs to be reinforced. In this context, my Office is very active in supporting initiatives for codification on thematic issues, such as that of the Working Group established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

10. Moreover, in its efforts to react to human rights violations whenever and wherever they occur, the Council has in recent months held its third and fourth special sessions, respectively on the issue of the human rights violations emanating from Israeli military incursions in the

Occupied Palestinian Territory, including the one into northern Gaza and the assault on Beit Hanoun, as well as the situation of human rights in Darfur. My Office has actively supported the efforts to implement the resulting resolutions from these sessions, with all preparations for possible deployment.

11. Given the magnitude of its work, one of the challenges for the Council will be to ensure that it carries out substantive follow-up on the implementation of its own decisions and resolutions to assert its authority and reinstate the priority accorded to human rights in the Charter of the United Nations. Indeed, follow-up has been one of the preoccupations of the Council, and it now forms part of the programme of work for each session, a trend which I very much encourage.

12. In terms of logistical support to the Council, I would like to welcome one of the Council's most recent decisions, making reference to the need to ensure adequate funding, to provide timely financing for unforeseen expenses such as fact-finding missions and special commissions as well as the necessary support from the Secretariat. The Council should have at its disposal financial means to implement its decisions, not only in relation to fact-finding missions and commissions of inquiry, but also in respect of other activities. My Office will of course continue to ensure that the Council receives all the support and assistance it requires.

## **II. STRENGTHENED COUNTRY ENGAGEMENT**

13. In line with the Secretary-General's report to the General Assembly, "In larger freedom" (A/59/2005 and Add.1-3), my Office has endeavoured to strengthen its engagement and dialogue with countries as the primary means to promote the implementation of human rights.

14. Within Headquarters, the capacity of geographic desks is being strengthened through a significant increase in staffing levels to enable OHCHR to follow more closely human rights-related developments in the various regions with a view to a more efficient engagement and enhanced technical support. Thus, 11 positions (including 7 Desk Officer posts) were filled in the course of 2006. This expansion is also instrumental in reinforcing internal cooperation and coordination on country initiatives, also through international human rights mechanisms - treaty bodies, special procedures and the Human Rights Council. It will also enable closer monitoring of implementation of recommendations issued by human rights mechanisms.

15. In order to strengthen and coordinate OHCHR's response to human rights crises, a Rapid Response Unit ("the Unit") was established in 2006. The Unit assists geographic desks, field offices and other parts of OHCHR to conduct assessment, fact-finding and investigative work as well as start-up missions and operations. The Unit is developing strong partnerships with United Nations entities - mainly the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees (UNHCR) - and other partners in order to secure adequate standby resources for emergency operations.

16. The Unit is instrumental in assisting OHCHR to fulfil the functions it has increasingly been called upon to carry out in the context of the establishment of commissions of inquiry and

other specific human rights fact-finding missions. The role of the Unit has proved particularly valuable in the second half of 2006, when it supported a number of initiatives at the request of the Secretary-General, the Human Rights Council or peacekeeping missions. This included the setting up of a Commission of Inquiry to establish the facts and circumstances relevant to incidents which occurred in Dili on 28 and 29 April and on 23, 24 and 25 May 2006, and to events and issues which contributed to the crisis. During the conflict in Lebanon, the Unit also enabled the prompt deployment of a human rights officer to Beirut despite severe security constraints. The Unit is also contributing to strengthening in-house tools and other material related to investigations, commissions of inquiry, fact-finding missions, and establishment of field offices and field operations in general. The OHCHR Rapid Response Unit is likely to be increasingly solicited to assist different processes.

17. Field presences, which allow for more direct support to relevant authorities, the collection of first-hand knowledge, and a deeper understanding of human rights issues and developments, are also being strengthened. They also enable stronger relationships with all counterparts - including rights-holders.

18. OHCHR currently has seven regional entities which have been or will be strengthened. They cover Southern Africa from Pretoria; East Africa from Addis Ababa; Latin America and the Caribbean from Santiago; South-East Asia from Bangkok; the Middle East from Beirut; and the Pacific from Suva. Finally, OHCHR runs the Central Africa Centre for Human Rights and Democracy at Yaoundé.

19. In addition, OHCHR has been negotiating the establishment of four new Regional Offices as well as a human rights training and documentation centre, as envisaged in the 2006-2007 Strategic Management Plan. These will cover Central America, from Panama City; Central Asia from Bishkek; West Africa from Dakar, with an annex in Abuja; and North Africa from Cairo. Furthermore, as requested by the General Assembly in its resolution 60/153 of 16 December 2005, consultations with the Government of Qatar are ongoing to establish a human rights training and documentation centre for South-West Asia and the Arab region. A report was submitted to the General Assembly in September 2006 (A/61/348) outlining steps undertaken by OHCHR on this matter. Pursuant to the resolution, the Centre is mandated "to undertake training and documentation activities according to international standards and to support such efforts within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations".

20. Most of these Regional Offices were expected to be functioning in the course of 2006 but significant delays have been faced due to the inherent complexity of such a process, including agreement on the Memorandum of Understanding with the host country, the selection of the seat of Regional Offices as well as, in some cases, staffing aspects. It is hoped that the majority of these offices will be set up before the end of 2007.

21. As for country offices, OHCHR currently has 12 Country Presences (Uganda, Angola, Togo, Colombia, Guatemala, Mexico, Cambodia, Nepal, Palestine, Bosnia and Herzegovina, and Serbia/Kosovo). The Togo Office was recently opened and a new office will be established in La Paz in the first quarter of 2007.

22. In June 2007, OHCHR will close its offices in Bosnia and Herzegovina and Serbia where my Office has been active for more than 10 years. OHCHR will remain present in the region, though, strengthening its office in Kosovo in light of serious human rights concerns and upcoming challenges.

23. Last year, I established offices in Nepal, Guatemala and Uganda. In these three countries, our engagement has been fruitful and Governments' cooperation has given hope for a definite improvement of the situation. A report on the human rights situation in Uganda and one on Guatemala are being presented as addenda to the present report, and a report on the human rights situation in Nepal is being submitted separately to this fourth session of the Human Rights Council, in accordance with the terms of the respective agreements.

24. My country visits also serve an important purpose in strengthening country engagements. In 2006, I conducted visits to the Russian Federation and the Northern Caucasus (19-25 February), Cambodia (17-19 May), Ethiopia and Kenya (April) - the latter concerning Somalia - the Sudan (30 April-5 May), Germany (12-13 October), Canada (3-8 November), Haiti (15-17 October), Israel and the Occupied Palestinian Territory (19-24 November). The common message in all my missions was the need for accountability with a view to putting an end to impunity for all forms of human rights violations. In a number of countries visited, I raised concerns about restrictions on civil society and freedom of expression. I made presentations about my various country visits in my regular oral updates before the Human Rights Council. In 2007, I have already undertaken a very useful follow-up mission after my first mission to Nepal two years ago.

25. My Office also substantively assists the work of Human Rights Components of 17 peace missions. We also initiated a review of this support in order to enhance its capacity to provide advice and training to civilian, police and military components of peace missions. Since 2005, significant steps have been taken towards bringing human rights into the heart of the work of peace missions through enhanced cooperation between the Department of Peacekeeping Operations, the Department of Political Affairs and OHCHR. In early December 2006, in New York, an annual meeting of Heads of Human Rights Components in Peace Mission was, for the first time, co-organized, by OHCHR, the Department of Peacekeeping Operations and the Department of Political Affairs and gathered Heads of Human Rights Components of peace missions, high-level officials from OHCHR, the two Secretariat departments above, and desk officers from the three entities.

26. Efforts have also been made towards more systematic public reporting on human rights (including thematic reporting) by human rights components of peace missions. A number of missions are issuing regular public human rights reports, including the United Nations Stabilization Mission in Haiti (MINUSTAH), the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the United Nations Operation in Côte d'Ivoire (ONUCI), the United Nations Assistance Mission for Iraq (UNAMI), the United Nations Mission in Liberia (UNMIL) and the United Nations Mission in the Sudan (UNMIS) - the latter two jointly with OHCHR.

27. Partnerships with humanitarian agencies are also a key component of effective country engagement. In 2006, OHCHR further contributed to humanitarian coordinating mechanisms at

the global and field levels. OHCHR is actively involved in the Inter-Agency Standing Committee (IASC), including through chairing the Task Force on Human Rights and Humanitarian Action, and participation in the work of the Cluster Working Group on Protection.

28. Through regular participation in various initiatives of IASC, OHCHR contributed to the development of a series of guidance materials, thus adding a human rights perspective to a number of documents, including The Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response, the Gender Handbook for Humanitarian Action, the IDP Handbook, and the Induction Training Package for Humanitarian Coordinators. In addition, a generic Human Rights-Based Approach to Programming checklist for humanitarian actors is being developed with OHCHR's active engagement.

29. Together with the United Nations Children's Fund (UNICEF), UNHCR and OCHA, OHCHR is an active member of the inter-agency Protection Capacity project (ProCap) which manages a roster of senior experts and aims at enhancing the protection response in humanitarian crises. A number of Memoranda of Understanding between OHCHR and international humanitarian non-governmental organizations (NGOs) are being finalized to increase OHCHR's own response capacity. In the meantime, at the field level, OHCHR staff are increasingly encouraged to work closely with humanitarian partners, including in the mainstreaming of human rights into humanitarian assistance in the aftermath of natural disasters.

30. Effective integration of human rights within the policies and operations of the United Nations system, particularly at the country level, is equally essential for deepening engagement and dialogue with countries on human rights challenges and ensuring a coherent response from the United Nations system. At the invitation of the Secretary-General's High-level Panel on System-wide Coherence, I submitted my views and contributions on human rights mainstreaming for the consideration of the Panel, whose final report made a number of important recommendations regarding the need to further clarify the roles and responsibilities within the United Nations system for the promotion and protection of human rights. The Panel in particular called on my Office, as the "centre of excellence" on human rights, to provide dedicated support to the Resident Coordinators system and United Nations country teams.

31. My Office has already been placing priority emphasis on strengthening partnerships with the United Nations system, particularly at the country level, including through taking leadership in the inter-agency Action 2 programme to strengthen the capacity of United Nations country teams to assist the efforts of Member States in building effective national protection systems. The Action 2 global programme is in its full implementation phase, with 10 pilot United Nations country teams supported in 2006 and 27 additional country teams selected for support in 2007 among over 50 applications received. It is expected that some of these country teams will be supported by human rights advisers to be deployed by the Office in close cooperation with the Resident Coordinators. At this stage, OHCHR has international Human Rights Advisers in Pakistan, Sri Lanka and national programme officers working with country teams in Azerbaijan, Georgia and the Russian Federation. Steps have been undertaken to deploy Human Rights Advisers to Rwanda, Zimbabwe, Niger, Indonesia, Maldives, Philippines, Papua New Guinea, Georgia, Moldova, Ecuador, Guyana, Costa Rica and Nicaragua in the course of 2007 (including with Action 2 funding).

32. In 2006, my Office conducted a review of human rights advisers deployed to Resident Coordinator's Offices, with a view to enhancing their effectiveness by standardizing the policies and approaches for their deployment. The review found, among other things, that strong support and commitment from Resident Coordinators have been essential for the effective functioning of Human Rights Advisers and integration of human rights at the country level. We are now working on standardizing the basic conditions and operating procedures in place for such deployments.

33. In my Plan of Action, I made it one of the priorities for my Office to support Resident Coordinators, and indeed the whole United Nations Country Team, so that they have adequate capacities to meet their commitment to mainstream human rights. Resident and Humanitarian Coordinators need to have adequate knowledge of human rights and United Nations human rights mechanisms, as well as strong competency to promote international standards and principles with national actors. In 2006, I personally took part in the induction briefing organized for new Resident Coordinators, and interacted with Humanitarian Coordinators and senior leaders of peacekeeping operations, emphasizing human rights as a central pillar of the United Nations system, and that operational activities of the United Nations system at the country level must be firmly grounded in principles and standards embodied in international human rights instruments and contribute towards the realization of human rights. My Office also led the development of a Human Rights Guidance Note for Humanitarian Coordinators, which was issued by the Inter-Agency Standing Committee in 2006.

34. Finally, national human rights institutions (NHRIs) are a key element of the OHCHR country engagement strategy as indispensable actors for any long-term human rights approach in a country or region. OHCHR, including through its National Institutions Unit, has helped establish and strengthen NHRIs as important partners in its work. During 2006, the National Institutions Unit of OHCHR has provided advice on the establishment or strengthening of National Human Rights Institutions. This has included advice on appointments procedures (in Sierra Leone, Sri Lanka and Kosovo); and on enabling legislation to establish a national human rights commission (Comoros; Mauritania; Pakistan; Nepal; Scotland, United Kingdom; Uruguay and Chile). The Unit works in cooperation with various national and international counterparts, including Human Rights Components of United Nations peace missions (e.g. Iraq, Sudan, Timor-Leste).

### **III. STRENGTHENING THEMATIC EXPERTISE**

#### **A. Operationalizing the right to development**

35. Following my Plan of Action, the Office continued to place high priority in supporting the implementation of the right to development and the resolve of the world leaders made in the Millennium Declaration to "making the right to development a reality for everyone" and to "freeing the entire human race from want". As already articulated, poverty is one of the gravest human rights challenges of our time, and represents one of the greatest obstacles for the implementation of the right to development. Increasingly, poverty is seen as both a cause and a consequence of human rights violations. And yet the linkage between extreme deprivation and abuse remains at the margin of policy debates and development strategies. To draw attention to

this crucial, but often neglected, correlation, I dedicated the theme of this year's Human Rights Day to the fight against poverty. Commemorations and various events organized by OHCHR field offices, United Nations partners and NGOs around the world contributed to raising greater awareness of the human rights dimension of poverty, and of the responsibilities of all Governments - both developed and developing - as well as to the human rights and development communities, to work more effectively towards the realization of the right to development. A milestone in this regard has been the issuance of "Principles and guidelines on a human rights-based approach to poverty reduction strategies" in 2006, in response to a request by the Committee on Economic, Social and Cultural Rights.

36. Building upon these efforts and achievements, my Office is working actively with development partners at the international and national level to explore how human rights, including the right to development, can support Member States' efforts to achieve inclusive development processes and equitable and sustainable poverty reduction outcomes. My Office has also been actively engaging in discussions with the World Bank to further institutional collaboration and partnership, among other multilateral and bilateral donor agencies.

37. As for the Working Group on the Right to Development and its high-level task force on the implementation of the right to development, the third meeting of the task force convened in Geneva from 22 to 26 January 2007, with a view to further elaborating a strategy for operationalizing and progressively developing the criteria for the consideration of the Working Group. We continue to ensure the highest standard of support to their work.

### **B. Rule of law and democracy**

38. OHCHR continues to be involved in issues relating to the various aspects of human rights law as it relates to the administration of justice, including military tribunals; the accountability of international personnel taking part in peace support operations; women and children in prison; and the right to a remedy for violations of human rights.

39. In his report to the Security Council (A/61/636-S/2006/980 and Corr.1) of 14 December 2006, the Secretary-General stressed the centrality of rule of law to the work of the Organization as a whole and designated OHCHR as the lead entity within the system on transitional justice issues. In 2006, OHCHR published five rule-of-law tools for post-conflict States: *Mapping the Justice Sector*, *Prosecution Initiatives*, *Truth Commissions*, *Vetting* and *Monitoring Legal Systems*. The second series of tools, including on reparations programmes and the legacy of hybrid tribunals are expected to be published in 2007. These tools provide practical guidance to field missions and transitional administrations in critical transitional justice and rule of law-related areas.

40. My Office also embarked on a joint project to prepare the rule of law index with the Department of Peacekeeping Operations in cooperation with the United Nations Development Programme, the United Nations Office on Drugs and Crime, the Office of Legal Affairs and the World Bank. The project aims at developing an instrument which will allow for the empirical and objective assessment of a cross-section of factors important for the rule of law, particularly in conflict and post-conflict societies. The outcome instrument will then be used by the United Nations.

41. OHCHR also continued to analyse measures taken by States in the context of combating terrorism. OHCHR engaged in dialogue with several States regarding the conformity of specific measures with international human rights, humanitarian and refugee law. As part of its dialogue with States on this issue, OHCHR organized, on 15-17 November 2006, jointly with the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, with the support of the Government of Liechtenstein, a workshop on "Human rights and international cooperation in counter-terrorism". The workshop addressed some of the practical and legal issues which arise in international cooperation in countering terrorism, including issues related to the transfer of individual terrorist suspects from one jurisdiction to another; asset-freezing and other forms of individual sanctions; judicial cooperation; and problems related to the sharing of evidence and intelligence information (see E/CN.4/2006/94). OHCHR also developed a fact sheet on this subject that will be finalized in 2007.

42. The issue of accountability for gross violations of human rights and humanitarian law continues to be high on my agenda. On 24 July 2006, Pre-Trial Chamber I of the International Criminal Court invited me to submit in writing my observations "on issues concerning the protection of victims and the preservation of evidence in Darfur, Sudan". In compliance with this decision I submitted an *amicus curiae* brief to the Chamber on 10 October 2006. The brief focused on my Office's experience in engaging in on-the-ground monitoring and investigation of serious human rights violations in the context of armed conflict and offered some observations on the issue of protection of victims. The brief argued that the risks to victims must be assessed in the light of a variety of factors, notably the advantage to the overall protection of a population that can be derived from an international presence, including criminal investigation.

43. OHCHR has also been providing dedicated support to the United Nations Democracy Fund (UNDEF) since its recent inception. The Fund offers a broad structure for the United Nations system to consolidate its cooperation and build its partnership at the national, regional and global levels in the area of democracy, with invaluable support to emerging democracies and countries in transition. Our contribution has stressed that human rights standards must underpin any meaningful conception of democracy and giving effect to democratic principles necessitates, inter alia, the building of strong laws and institutions of democratic governance as well as independent oversight mechanisms.

### **C. Trafficking**

44. In 2006, OHCHR's trafficking programme focused on strengthening the substantive and programmatic links with migration; developing country engagement from the standpoint of the thematic focus of trafficking; and supporting an analysis of the human rights impact of anti-trafficking initiatives in the field of legislation and policies. The High-level Dialogue on International Migration and Development at the General Assembly on 14 and 15 September 2006 identified human rights as a crucial aspect of international migration, and discussed trafficking as a negative outcome of the violations of migrants' rights. The growing significance of the issue of trafficking and migration at the global, regional and country levels, led as a result, to constantly increasing requests from various partners and stakeholders for advice and policy guidance on the issue. Consequently, training in trafficking, migration and

human rights was conducted in Nepal with the staff of the National Human Rights Commission under the sponsorship of the Office of the National Rapporteur on Trafficking. Additionally, a study on the human rights analysis of anti-trafficking interventions was finalized to assess and identify elements to ensure that migration and development projects or programmes and national legislation, policies and strategies are consistent with existing international human rights standards.

#### **D. Equality and non-discrimination**

45. OHCHR continued its support to the Human Rights Council mechanisms established to ensure the follow-up to the World Conference against Racism, namely the Inter-governmental Working Group on the effective implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent. The Office facilitated the organization of high-level seminars on racism and the Internet, and on complementary standards to fill the existing gaps in international instruments. The Office also sought to facilitate the meeting of the Group of Independent Eminent Experts and was in frequent contact with them.

46. As a follow-up to Human Rights Council resolution 1/5 of 30 June 2006, OHCHR, in consultation with regional groups, selected five highly qualified experts to elaborate a base document that contains concrete recommendations on the means or values to bridge the gaps including but not limited to the drafting of a new optional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of new instruments such as conventions or declarations.

47. At the request of the Government of Brazil, OHCHR also supported the Regional Conference of the Americas on the progress and challenges of the Durban Programme of Action, held in Brasilia from 26 to 28 July 2006 and co-chaired by Brazil and Chile. The Conference reviewed the progress achieved in the region of the Americas and the challenges ahead in the implementation of the Durban Declaration and Programme of Action. At the request of the Government of Uruguay, my Office also supported the Second Consultation of Governmental Institutions Responsible for the Promotion of Racial Equality, held in Montevideo from 26 to 29 June 2006. The Office conducted several outreach activities in particular, within the framework of the International Day for the Elimination of Racism and Racial Discrimination, on 21 March.

48. Through research and analysis, OHCHR is equally making efforts to enhance its capacity to provide assistance to Member States in the area of model legislation for combating racism, racial discrimination, xenophobia and related intolerance, as well as good practices and national plans of actions.

#### **E. Women's human rights and gender**

49. For many years the United Nations has been trying to address the enormous barriers that face individuals in the enjoyment of their rights, as a result of inequalities that result from gender-based discrimination. I have committed our Office to ensure that gender is at the core of

the work we undertake and to that end I am pleased to inform you that I have established a Women's Rights and Gender Unit, which is now both staffed and functioning. The Unit will enable the office to consolidate its capacity and expertise to play a leadership role in overcoming the multiple forms of discrimination that women the world over confront. Efforts will be undertaken to ensure the systematic integration and mainstreaming of women's human rights and gender issues in all aspects of our work and in that of the United Nations human rights mechanisms, including the Human Rights Council, and provide the appropriate analytical and operational capacity to enable me to play a more visible and catalytic role in promoting the equal protection of women's rights across the world. It will also spearhead closer interaction between the Office and United Nations Country Teams and provide them with the necessary expertise and analytical and other tools to support the efforts of Member States and other actors at the country level to redress gender-based discrimination. Needless to mention, women face many challenges and we will have to prioritize our efforts and the focus of the work of the Unit. For that reason, the Unit will focus on strategic interventions that can empower actors, particularly at the country level. At the beginning it will also focus on a few issues, including violence against women, and access to justice. With the imminent transfer of the Committee on the Elimination of Discrimination against Women (CEDAW) to Geneva, our efforts to place women's rights at the centre of the United Nations human rights system will be further enhanced.

#### **F. Minorities**

50. The exclusion of minorities and the most vulnerable sections within minorities continues to contribute to the undermining of development and political and social stability. Challenges remain for the United Nations system to ensure that minority concerns are integrated into efforts of the Organization to reduce poverty, establish stable and socially inclusive societies and address systematic and long-standing discrimination against specific minority communities.

51. In August 2006, a needs assessment mission was undertaken to Nepal with a view to ensuring that our country office develop programmes and activities to assist the Government in combating the social exclusion of Dalits, indigenous peoples, ethnic and religious minorities, and particularly in addressing the situation of women belonging to these communities. Since 2005 OHCHR has been developing the Minority Fellowship Programme, which gives minority representatives an opportunity to gain knowledge about the United Nations system and mechanisms dealing with human rights in general and minority issues in particular so they can better assist in protecting and promoting the rights of their respective communities. Twenty-one minority fellows have participated in this programme since its creation, also conflict prevention and resolution and civil society partnerships. As a follow-up to the consultation, the Democratic Governance Group in the Bureau for Development Policy has prioritized further work on "Minorities in development" in its annual workplan of 2007.

#### **G. Indigenous peoples**

52. Indigenous issues remain a priority area of the work of OHCHR with increasing efforts being made to strengthen activities at the country level. During 2006, the Office collaborated with the Government of the Congo in drafting a law for indigenous peoples that will be presented to Parliament in March 2007. Under the Andean Project for the promotion and

protection of indigenous peoples and Afro-descendants' rights, activities have been initiated in Ecuador in cooperation with the human rights ombudsman's office, the Ministry of the Environment and indigenous organizations. In November in Bolivia, OHCHR jointly organized a regional seminar on indigenous peoples in voluntary isolation and in initial contact in both the Amazonian basin and El Chaco, to consider policy options aimed at protecting indigenous communities in isolation. In January 2007, the Minister of the Environment, who had attended the meeting, signed the country's first law to protect the lands of the Tagaeri and Taromenane people. In Cambodia, the Office organized a community led human rights training workshop aimed at building capacity among the forest-dwelling indigenous peoples. The Office continues to implement the Indigenous Fellowship Programme that is now entering its eleventh year. In 2006, 20 indigenous fellows completed the four-month programme that consists of four different language components (English, Spanish, French and Russian). The Voluntary Fund for Indigenous Populations also enabled more than 100 indigenous representatives to attend the annual sessions of the Permanent Forum on Indigenous Issues and of the Working Group on Indigenous Populations.

## **H. Business**

53. My Office continues to be involved in efforts to clarify the human rights responsibilities of business and other private actors. Our contribution to the work of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises led us to examine, during the last few months of 2006, all the core human rights treaties as well as the work of their treaty monitoring bodies, to help map and clarify State obligations for corporate acts. We have also continued our involvement in the United Nations Global Compact. In view of the strong demand from companies that have signed the Global Compact for guidance and advice on the implementation of its human rights principles, my Office has worked with the United Nations System Staff College (and the Global Compact Office) to prepare an entry-level e-learning course for companies. The learning tool, which is web-based and being tested in draft form, comprises three modules which provide an introduction to human rights, to the concept of a corporation's "sphere of influence" and to the notion of corporate complicity in human rights violations. On 16 February 2007, I also convened, as requested by the Commission on Human Rights in its resolution 2005/69, a meeting with senior executives from companies, experts from the financial sector, the public and private sectors and from non-governmental organizations. (The report of the second annual sectoral consultation is contained in document A/HRC/4/99.)

## **I. Economic, social and cultural rights**

54. I remain firmly committed to increasing further our work on economic, social and cultural rights. The legal protection of these human rights was the theme of my report to the Economic and Social Council in July 2006 (E/2006/86), and of course we continued to support the work of the Chairperson-Rapporteur of the Open-Ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights. Staff of the Office participated in related meetings organized in Mexico in May 2006 and in Finland in July 2006 and we provided support to the meeting organized by the Chairperson-Rapporteur in Lisbon in September 2006 to assist her in preparing a draft for the July 2007 meeting of the

Working Group, as requested by the Council under its resolution 1/3. I have continued to advocate for greater attention to economic, social and cultural rights, including through the lecture on “Economic and social justice for societies in transition”, which I delivered in New York on 25 October 2006. With some of the new posts established by the General Assembly in December 2005, we are creating a small dedicated team of professionals to work on economic, social and cultural rights within the Research and Right to Development Branch, which will allow us to better support the work of all relevant human rights mechanisms, as well as ensure greater attention to those rights throughout all the activities of the Office, and will allow us to offer better support to States in their efforts to improve enjoyment of economic, social and cultural rights. To that end, we held an internal consultation in Geneva, involving all Headquarters branches as well as human rights field staff, from 11 to 15 December 2006, to help us plan for increased work on economic, social and cultural rights, particularly at the field level.

#### **J. Human rights education**

55. In 2005, the General Assembly proclaimed the World Programme for Human Rights Education (2005-ongoing) and adopted a Plan of Action for the years 2005-2007, focusing on the integration of human rights education in the primary and secondary school systems. In coordinating the World Programme, I have been giving priority to enhancing partnership within the United Nations system, which is tasked to assist the national implementation of the Plan of Action. To this end, in 2006 my Office facilitated, in close cooperation with UNESCO, the establishment of the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System. The Committee, composed of 13 United Nations agencies and programmes, met for the first time in September 2006 and agreed on strategies for the short, medium and long term focusing on the use of existing United Nations mechanisms and institutions as entry-points for enhancing cooperation. It also identified three broad areas for support to national efforts, namely technical assistance, information-sharing and resource mobilization. My Office is promoting similar cooperative efforts also at the country level, where OHCHR field presences are mobilizing United Nations agencies and programmes and are developing joint initiatives to assist national human rights education programming. Other activities undertaken by my Office in the context of the World Programme are highlighted in my report (A/HRC/4/85) to the Council on the subject.

#### **IV. THE QUESTION OF THE DEATH PENALTY**

56. The issue of the death penalty has become the subject of renewed national and international debate. Against that background, the applicable standards in international human rights law for the imposition and execution of the death penalty in international human rights law continue to be relevant, not least to the ongoing international trend towards restriction of application and abolition of the death penalty.

57. International human rights law protects the inherent right to life, and the death penalty can only be imposed as an exceptional measure subject to strict legal restrictions. The evolving body of international law also indicates a trend to more restrictive interpretations of those limitations that are set out in international law. Article 6, paragraphs 2, 4 and 5, of the International Covenant on Civil and Political Rights permits the application of the death penalty

in countries that “have not abolished” it only for “the most serious crimes”; in accordance with law in force at the time of commission of the crime. The imposition of the death penalty may only occur in a manner not contrary to the other provisions of the Covenant or the Convention on the Prevention and Punishment of the Crime of Genocide, pursuant to a final judgement rendered by a competent court and under circumstances where it is legally possible to seek pardon or commutation of the sentence. The sentence may not be imposed on an offender under 18 at the time the offence was committed, or who is a pregnant woman. Article 37 (a) of the almost universally ratified Convention on the Rights of the Child reaffirms the prohibition of the death penalty in respect of those under 18 years of age.

58. The Human Rights Committee has interpreted article 6, paragraphs 2 and 6, to mean that the abolition of the death penalty is desirable under the Covenant and that any steps towards abolition are considered progress in the enjoyment of the right to life. Therefore, any steps to reintroduce or widen the scope of its application would be considered retrogressive in terms of the Covenant’s underlying policy orientation. Under the first Optional Protocol to the International Covenant on Civil and Political Rights, the Committee receives individual communications, many of which have concerned application of the death penalty. These cases have afforded the Committee the opportunity to develop and refine the interpretation of the Covenant taking into account evolving national and international experience. Major issues addressed by the Committee are set out below:

(a) The death penalty can only be imposed after a trial and appeal proceedings that scrupulously respect all the principles of due process (as set out in article 14 of the Covenant). Otherwise, its imposition will amount to an arbitrary deprivation of life (art. 6) by the State party;

(b) The death penalty must not be mandatory. The mandatory imposition of the death penalty for specific crimes (e.g. murder) under the laws of a State party, where it is imposed and/or carried out without regard being able to be paid to the defendant’s personal circumstances or the circumstances of the particular offence constitutes an arbitrary deprivation of life (art. 6) by the State party;

(c) The death penalty cannot be carried out in secret (as to date and place). Otherwise, it amounts to inhuman treatment of the executed person’s family by the State party (art. 7);

(d) An individual who is mentally incapacitated at the time that the warrant for execution is issued cannot not be executed. Otherwise, the State party violates his/her rights not to be subjected to torture, inhuman or to cruel, inhuman or degrading treatment or punishment (art. 7);

(e) Methods of execution must meet the standards of “least possible physical and mental suffering”. Otherwise, the execution will constitute a violation of article 7 (torture, inhuman or cruel, inhuman or degrading treatment or punishment) by the State party of the Covenant.

59. The work of United Nations organs and human rights bodies have further elaborated on these restrictions on the imposition of the death penalty. In 1984 the Economic and Social Council, in its resolution 1984/50, approved Safeguards guaranteeing protection of the rights of those facing the death penalty, which described the scope of the “most serious crimes” as restricted to intentional crimes with lethal or other extremely grave consequences. The Special Rapporteur on extrajudicial, arbitrary or summary executions has frequently intervened with States for the imposition of the death penalty for offences such as political offences, conspiracy between civil servants and soldiers, misappropriation of State or public property, treason, espionage, indecency and refusal to divulge previous political activities. The Economic and Social Council safeguards also extend the prohibition on the application of the death penalty to new mothers and to persons who have become insane. The contents of this Council resolution have been reaffirmed in subsequent resolutions of the same body and in resolutions of the former Commission on Human Rights, which more clearly call upon States not to execute women with dependent children or persons suffering from any mental or intellectual disabilities.

60. Against this normative background, there is a current and continuing trend towards abolition, suspension or the imposition of moratoria on executions. The latest quinquennial report of the Secretary-General on capital punishment and the implementation of safeguards guaranteeing protection of the rights of those facing the death penalty identifies an “encouraging trend towards abolition and restriction of the use of capital punishment in most countries”. Both the Human Rights Committee and the former Commission on Human Rights likewise encouraged abolition. The Secretary-General has stated - and consistent United Nations practice has been - that a United Nations-backed tribunal cannot allow for capital punishment. The international criminal tribunals - the International Criminal Court (ICC), the International Criminal Tribunal for the former Yugoslavia, and the International Criminal Tribunal for Rwanda - uniformly have life imprisonment as the maximum penalty. The High Commissioner, for her part, welcomes this trend and encourages States to become part of it.

## **V. SUPPORT FOR NEW STANDARD-SETTING INSTRUMENTS**

61. On 22 June 2006, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment entered into force. The Optional Protocol establishes the Subcommittee for the Prevention of Torture, which complements the existing United Nations framework to combat torture and represents a historic step in the fight against torture and other forms of ill-treatment.

62. The monitoring mechanism created by the Optional Protocol is different from those established under other United Nations human rights mechanisms. It provides for a system of preventive visits, to be carried out in a complementary manner by independent international and national experts. States parties undertake to grant access of these experts to all places where individuals deprived of their liberty are held, and are mandated to interview such persons confidentially. Such preventive visits, conducted on a regular and unannounced basis, will add another effective tool to the existing mechanisms to prevent torture. The Optional Protocol is also unique in providing for a system of national monitoring. My Office has begun its active work with the Subcommittee, including supporting its first session.

63. As already mentioned, I am also particularly pleased that, on 20 December 2006, the General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance. The Convention was opened for signature in Paris on 6 February 2007, at which I had the pleasure to participate.

64. This important new legal instrument closes gaps in international human rights law by making explicit the prohibition of enforced disappearances. It states that no one should be subjected to enforced disappearance, and highlights that no exceptional circumstances whatsoever may be invoked as a justification for such violation.

65. The Convention, by defining as victims the disappeared persons and any individuals who have suffered harm as the direct result of an enforced disappearance, affirms their right to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person, as well as the right to freedom to seek, receive and impart information to this end. The Convention requires that each State party ensure in its legal system that victims have the right to obtain reparation and prompt, fair and adequate compensation. A series of important legal obligations are enunciated relating to the prevention of enforced disappearances, and each State party is required to take appropriate measures to ensure that enforced disappearance constitutes an offence under its criminal law. Finally, the Convention stresses that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity.

66. A Committee on Enforced Disappearances is to monitor the implementation of the Convention. Some of the procedures provided for, such as the reporting procedure and the individual and inter-State complaint procedure, are analogous to those already established for other human rights treaty bodies. The new Committee will also be entitled to receive requests for urgent action on individual cases, to conduct visits with the agreement of States parties concerned, and, in case of information containing well-founded indications that enforced disappearance is being practised on a widespread or systematic basis on a territory under the jurisdiction of a State party, to urgently bring the matter to the attention of the General Assembly.

67. Finally, the General Assembly adopted by consensus, on 13 December 2006, the new Convention on the Rights of Persons with Disabilities and its Optional Protocol, with its signing ceremony to be held in New York on 30 March 2007. My Office continued to contribute during 2006 to the finalization of the new Convention, which has benefited from the close involvement of civil society - particularly persons with disabilities and their representative organizations - as well as the unprecedented participation of national human rights institutions. The Convention clarifies the obligation of States to improve the situation of 10 per cent of the world's population, suffering from some of the worst violations and denial of human rights.

68. At this final stage of the negotiations, my Office emphasized the provision of technical advice to the Ad Hoc Committee on the establishment of monitoring mechanisms, and I was able to address the Ad Hoc Committee again at its resumed eighth session on 5 December 2006. Office staff participated in a number of meetings organized at national level to start considering the challenges posed by implementation of the new convention, after finalization of the draft in

August 2006, including events held in Mexico, Belgium, Uganda, South Africa, the Russian Federation and Spain between September and December 2006. We also organized an expert consultation on “The right to education of persons with disabilities”, which took place in Geneva from 23 to 24 November 2007, to provide input to the thematic annual report of the Special Rapporteur on the right to education. I look forward to supporting both the work of the new Committee on the Rights of Persons with Disabilities and the efforts of States to ratify and implement the new Convention and its Optional Protocol.

## VI. CONCLUSION

69. **As the report outlines, OHCHR has made important advances in implementing its Strategic Management Plan. The Office supported the Human Rights Council in its transition year, while continuing its efforts to implement its identified priorities from the Plan of Action. Greater country engagement in all its aspects, and strengthened thematic expertise in key areas, have been highlighted as part of our efforts to best address human rights challenges before us.**

-----