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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**

## **Report of the United Nations High Commissioner for Human Rights**

### *Summary*

The present report provides an update of the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) since its reports in 2010 to the Human Rights Council (A/HRC/13/26) and to the General Assembly (A/65/36). It focuses on implementation of the six thematic priorities established by the Office for 2010/11.

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## I. Introduction

1. The present report provides an update of the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) since its reports in 2010 to the Human Rights Council (A/HRC/13/26) and to the General Assembly (A/65/36). It focuses on implementation of the six thematic priorities established by the Office for 2010/11.

2. In 2010, I conducted missions to: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates; the Plurinational State of Bolivia and Mexico; the Central African Republic; Iceland; Italy; Japan; Jordan; Kenya; Sweden, as well as Uganda. The Deputy High Commissioner visited Kenya and Somalia; Kyrgyzstan; Mexico and Panama; as well as Cambodia and Thailand. These were important opportunities for engagement with member States and other stakeholders to discuss human rights issues and promote progress towards improving the human rights situation including in the areas of OHCHR strategic priorities.

3. In December 2010, OHCHR was running and supporting 56 field presences: 12 regional presences,<sup>1</sup> of which 5 have gender advisers,<sup>2</sup> 12 offices at the country level<sup>3</sup>, 15 human rights components in United Nations peace missions,<sup>4</sup> and 17 human rights advisers within United Nations country teams<sup>5</sup>. In May 2010, I signed an agreement with the Government of Guinea to establish an OHCHR country office which was officially inaugurated in August 2010 and is now fully operational. In December 2010, the OHCHR country office in Mauritania started functioning.

4. Field presences are key to refining our strategic priorities and implementing them on the ground. Trends and practices that we observe at the national or regional level assist in identifying needs and developing tools, policies and guidance to provide technical support to Governments, national institutions, civil society, regional organizations and the United Nations system.

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

<sup>2</sup> West Africa, the Pacific, the Middle East, Central America and Central Africa. Another gender advisor is based in the OHCHR New York Office.

<sup>3</sup> OHCHR Country Offices in: Togo, Uganda, Bolivia (Plurinational State of), Cambodia, Colombia, Guatemala, Guinea, Mauritania, Mexico and Nepal, as well as two stand-alone presences, in the Kosovo and Occupied Palestinian Territory.

<sup>4</sup> BINUB (Burundi), BONUCA (Central African Republic), MINURCAT (Chad and the Central African Republic – to be terminated on 31 December 2010), MONUSCO (Democratic Republic of the Congo), UNMIS and UNAMID (the Sudan), UNMIL (Liberia), UNIOSIL (Sierra Leone), UNPOS (Somalia), UNOCI (Côte d'Ivoire), UNOGBIS (Guinea-Bissau), UNAMA (Afghanistan), UNMIT (Timor-Leste); UNAMI (Iraq); MINUSTAH (Haiti), UNOWA (West Africa). In addition, OHCHR works in close cooperation with the Human Rights Officer of the UNRCCA based in Tajikistan.

<sup>5</sup> The Great Lakes Region of Africa (Bujumbura, Burundi), Ecuador, Georgia (covering the Southern Caucasus), Guinea, Kenya, the Former Yugoslav Republic of Macedonia, the Republic of Moldova, Nicaragua (to be terminated on 31 December 2010), Niger, Papua New Guinea, Paraguay, the Russian Federation, Rwanda, Serbia, Sri Lanka and Tajikistan.

5. OHCHR continued to strengthen its partnership with other United Nations departments, programmes and specialized agencies, as well as regional organizations. This covered areas such as tackling racial discrimination, implementing the Millennium Development Goals (MDGs), HIV/AIDS, sexual violence in conflict, women's rights, human rights of persons with disabilities including having joint workplans with some of these United Nations partners. The arrival of the Assistant Secretary-General in OHCHR-New York became one key element in strengthening these links.

## **II. Thematic priorities of the Office of the United Nations High Commissioner for Human Rights**

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

#### **1. Strengthening human rights mechanisms**

##### *(a) Human Rights Council*

6. I continued to share my thoughts with the Council and its member States on the key principles and objectives of the review and submitted a substantive written contribution to the working group with some of my recommendations permeating into the discussions. A key benchmark of the Council's success is its ability to address chronic and urgent human rights situations and to make a difference on the ground. To this end, I have been encouraging the Council to be creative and take full advantage of various opportunities for discussion.

7. I am pleased to observe that the trend of resorting to alternative modalities for debates in the Council has continued, with the active support of my office. At its fifteenth session, the Council held its first-ever country-specific dialogue on Somalia with the participation of key stakeholders. The "urgent debate" feature was another initiative introduced to the Council's toolbox of working methods at its fourteenth session, to consider the Israeli raid on the flotilla of ships carrying humanitarian assistance.

8. Besides its annual discussions on women's rights, the rights of the child and integrating a gender perspective into its work, the Council continued to hold panel discussions on a broad range of human rights issues, such as the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights; the protection of journalists in armed conflict; maternal mortality and morbidity; and the elimination of discrimination against women in law and practice. Notably, the panel debate on trafficking in persons, especially women and girls, involved victims and survivors providing them a platform to share their views and perspective.

##### *(b) Universal periodic review*

9. By the end of December 2010, 143 out of 192 member States have been reviewed, with all States under review participating, and their peers being fully engaged at the various stages of the process. The 100 per cent participation rate should be commended. It reflects the importance and seriousness with which States participate in the universal periodic review (UPR), as well as the continued efforts made by my Office to provide information on the modalities of the mechanism through regional briefings and regular information sessions for representatives of permanent missions and other stakeholders in Geneva and New York.

10. A broad range of recommendations relating to all areas of human rights were made during each review. Devising practical mechanisms to follow-up and ensure implementation of these recommendations remains a considerable challenge, in particular in view of the second cycle fast approaching. The Voluntary Fund for Financial and Technical Assistance for implementation of the universal periodic review has become operational and has been used in the organization of field-based follow-up briefings which should assist States in identifying road maps for implementation of recommendations.

11. Although responsibility for implementation rests primarily with States, a diverse array of national stakeholders can help Governments in this demanding task. Wide participation in this process will also ensure that the UPR debate moves from the international stage to the national level.

(c) *Special procedures*

12. The contribution of the special procedures to the work of the Council was widely acknowledged in 2010. Interactive dialogues at the Council and the General Assembly allowed mandate holders to highlight human rights concerns requiring follow-up at the national level, and provide early warning on situations and emerging trends requiring the urgent attention of the international community. All opportunities should be used to draw on mandate holders' expertise. I support proposals to enhance the dialogues to allow for broader and more interactive discussions.

13. I welcome States issuing standing invitations and the increase of these to 73 in 2010. Greater efforts should be made to provide timely and substantive responses to special procedures' communications. The direct accessibility of special procedures to victims and human rights defenders has been a hallmark of their work, and I am concerned at continuing reports of reprisals. The Council should consider the adoption of additional measures to protect engagement between experts and all stakeholders, as free interaction is an indicator of cooperation.

14. The Office has continued to support the independence of the special procedures, encouraging States to engage constructively and focus on the substance of human rights issues. Procedures are in place to address issues relating to working methods or the conduct of mandate holders, and I acknowledge the contributions made by the Coordination Committee and individual mandate holders in this regard.

15. With the creation of two new thematic mandates in 2010, on the elimination of discrimination of women in law and in practice, and on the right to freedom of peaceful assembly and association, there are now 41 mandates with 61 mandate holders. One third of current mandate holders are women. The Council will have an opportunity to improve gender balance, with 16 appointments to be made in 2011. I support the suggested improvements to the Council's selection procedure that will strengthen the appointment and induction of mandate holders possessing the highest qualifications.

16. Special procedures have continued their collaboration with Council mechanisms, contributing to thematic panels and to the Forum on Minority Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Social Forum and the Advisory Committee. Better use could be made of potential synergies with UPR.

(d) *Treaty bodies*

17. With the welcome entry into force on 23 December 2010 of the International Convention for the Protection of All Persons from Enforced Disappearance, a tenth treaty body will be established in 2011. Consequently, since 2004, the treaty body system will have almost doubled in size with the addition of new treaty bodies, such as the Committee on Migrant Workers, the Committee on the Rights of Persons with Disabilities, and the

Subcommittee on the Prevention of Torture. Three new individual complaints procedures were created (under the Convention on the Rights of Persons with Disabilities, the Convention on Enforced Disappearance above, and the International Covenant on Economic, Social and Cultural Rights, though the latter has not yet entered into force) and one more complaints procedure is under discussion under the Convention on the Rights of the Child.

18. There have been increases in membership for the three committees above, bringing the total number of treaty body experts to 141 (versus 116 at the end of 2009). The meeting time has also been on the rise (68 weeks in session for 2010) and additional requests for meeting time were approved/extended by the Fifth Committee of the General Assembly in the end of 2010 for both the Committee against Torture and the Committee on the Elimination of Racial Discrimination (70 weeks of session in 2011).

19. In addition, and also as a positive side-effect of UPR, States have increased ratification and reporting. In 2010, the eight human rights treaty bodies with a reporting procedure covered some 120 country reviews and considered over 100 individual complaints.

20. This significant growth has prompted me to request all stakeholders to rethink the future of treaty bodies with innovative and creative ideas. I am pleased that in response to my call, a number of stakeholders have organized consultations: in Dublin (meeting of treaty bodies members), in Marrakesh, Morocco (meeting of national human rights institutions) and in Poznan, Poland (meeting of treaty bodies' Chairpersons and experts). In addition, retreats with all treaty body experts, when Committees are in session in Geneva, are also being organized to brainstorm in preparation for discussions at upcoming meetings of Chairpersons (June 2011) and Inter-Committee Meetings (in January and June 2011). We have been informed that other consultations, including by civil society, academics and with other parts of the United Nations system, are in the making. Some 20 non-governmental organizations have already made a written contribution to the process. States parties will be invited by the Chairpersons of the treaty bodies and myself to a technical expert consultation in the spring of 2011.

21. I look forward to the culmination of this process of reflection. It is my intention to compile the outcomes of these reflections and present them to treaty body experts, States parties and all other stakeholders at an appropriate time in 2011.

## **2. Progressive development of international human rights law**

22. OHCHR continued to support standard-setting related activities undertaken by Governments, the Human Rights Council Advisory Committee, the Social Forum, the human rights treaty bodies and special procedures.

23. OHCHR supports the Open-ended Working Group on an Optional Protocol to the Convention of the Rights of the Child to provide a communication procedure, which held its second session in December 2010. It also supports the intergovernmental Open-ended Working Group on the Right to Development, including in the conclusion of the 2008–2010 work plan of its expert mechanism - the high-level task force on the implementation of the right to development - resulting in the development of three substantive reports. The Working Group on Mercenaries has put forward elements for a possible draft convention on the activities of private military and security companies and the Council established an open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies. Also, the General Assembly in its resolution 65/182 established an open-ended working group to review how the human

rights of older persons can be better protected, including through the consideration of new instruments and measures.

24. OHCHR supported the work of the Council's Advisory Committee in the development and adoption of the Principles and Guidelines on the elimination of discrimination against persons affected by leprosy and their family members. These guidelines were adopted by the General Assembly in its resolution 65/215 of 21 December 2010. OHCHR continues to facilitate the Council's initiative, led by its cross-regional governmental Platform for Human Rights Education and Training, to develop a United Nations declaration on human rights education and training.

25. OHCHR also facilitated the organization of the 2010 Social Forum, with the report (A/HRC/16/62) available for this session of the Human Rights Council.

26. With OHCHR support, treaty bodies held a number of days of general discussions with a view to developing general comments: the Committee on Economic, Social and Cultural Rights discussed the right to sexual and reproductive health, and the Committee on the Rights of Persons with Disabilities discussed accessibility. Within the context of the twentieth anniversary of the adoption of the Convention on the Rights of All Migrant Workers and Members of Their Families, the related Committee discussed "Protecting rights, building cooperation". The Human Rights Committee developed further a first draft of a general comment on the interpretation of articles 19 and 20 of the International Covenant on Civil and Political Rights. The Committee on the Elimination of Discrimination against Women adopted general recommendations on older women and protection of their human rights and on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women. On 2 December 2010, the Committee on Migrant Workers adopted its first general comment, focusing on the rights of migrant domestic workers. Some 120 decisions on individual communications were adopted in 2010 by five of the Committees which have an individual communications procedure, which furthered jurisprudence in this regard.

27. Special procedures have also continued to contribute to the development of international human rights law. The work of the independent expert on water and sanitation in clarifying the legal content of the human rights obligations related to access to safe drinking water and sanitation directly contributed to the recognition of this right by the General Assembly and the Human Rights Council. The Working Group on Enforced or Involuntary Disappearances adopted a general comment on enforced disappearance as a continuous crime and a general comment on the right to the truth in relation to enforced disappearances. OHCHR also provided support to the efforts of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to develop Guiding Principles for the implementation of the "Protect, Respect, Remedy" framework for business and human rights. OHCHR continued to work with the United Nations Global Compact Office and provided ongoing technical and policy advice on the human rights component of the Global Compact, including through participation in its Human Rights Working Group and the Compact inter-agency group, and through my participation in the Global Compact's Leaders Summit.

28. In 2010, the Office commenced work on the holding of four regional workshops on the prohibition of incitement to hatred. Four consultants have prepared regional studies on relevant legislation, jurisprudence and policies and contributions from Member States, United Nations programmes and agencies, regional organizations, national human rights institutions and civil society were sought. The workshops are to be held in 2011 at United Nations Offices in Vienna (February), Nairobi (April), Bangkok (July) and Santiago (October).

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

### **1. Racial discrimination**

29. In order to help States fulfil their commitments under the Durban Declaration and Programme of Action (DDPA), the Outcome Document of the Durban Review Conference and the International Convention on the Elimination of All Forms of Racial Discrimination, my Office provided technical assistance in the elaboration of national action plans against racial discrimination in Bolivia and Uruguay. OHCHR also organized seminars in Costa Rica and Benin to exchange good practices on national action plans against racial discrimination. Regional workshops, including most recently in Ethiopia, have been held for Governments, NHRIs and civil society on development and implementation of national action plans against racial discrimination. To further assist States, OHCHR will develop a technical guidance note for the development of national action plans.

30. OHCHR has also pursued thematic work on challenging issues such as data collection and the promotion of racial equality and structural discrimination. OHCHR organized a regional seminar for Latin American and Caribbean countries on data collection and the use of indicators to promote and monitor racial equality and non-discrimination, with the collaboration of the Government of Brazil.

31. OHCHR supported the Working Group of Experts on People of African Descent and the Intergovernmental Working Group on the Effective Implementation of the DDPA in organizing thematic discussions on combating structural discrimination. It adopted conclusions and recommendations on the issues of migration, protection of children, employment, on the celebration of the tenth anniversary of the adoption of the DDPA and national action plans. During its last session, the Working Group of Experts on People of African Descent discussed a programme of activities in the context of the International Year for People of African Descent, which was launched by the Secretary General on the 2010 Human Rights Day. The Committee on the Elimination of Racial Discrimination is to hold a day of general discussion on people of African descent during its seventy-eighth session in February-March 2011.

32. As part of the global information campaign *Embrace Diversity, End Discrimination* on Human Rights Day, events were organized. The International Day for the Elimination of Racial Discrimination focused on the theme of racism in sports and an opinion piece entitled "Racism and the football World Cup" attracted specific attention.

### **2. Indigenous and minority issues**

33. The Office continued to deploy strong efforts to promote and protect the rights of minorities through sustained engagement with relevant partners, guided by the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. For example, in Lebanon OHCHR organized its third regional consultation to gather information about effective practices in policing and minority communities. My Office also delivered a training workshop on minority rights for our staff in the region to help strengthen strategies to better promote minority rights.

34. OHCHR continued to support the Forum on Minority Issues. My Office helped organize, in partnership with the Inter-Parliamentary Union, an international conference on the representation of minorities and indigenous peoples in Parliaments, held in November in Mexico.



35. We continued to promote cooperation and coordination within the United Nations system and between the three mandates devoted to indigenous issues. In support of the Expert Mechanism on the Rights of Indigenous Peoples, OHCHR organized a workshop and other activities to facilitate the preparation of its study on indigenous peoples and the right to participate in decision-making.

36. Support for the United Nations Declaration on the Rights of Indigenous Peoples continues to widen, with the recent endorsement by Canada and New Zealand. OHCHR organized activities aimed at enhancing the implementation of this key instrument, including a regional consultation held in December in Auckland on “The operationalization of the United Nations Declaration on the Rights of Indigenous Peoples by national human rights institutions”. This contributed to the elaboration of a practical manual for NHRIs on how to use the Declaration.

37. OHCHR also continued to offer a Fellowship Programme for minority and indigenous human rights defenders.

### **3. Gender equality and women’s human rights**

38. My Office prepared a report to the Human Rights Council on discrimination against women (A/HRC/15/40), which informed the discussion leading to the adoption of a resolution by the Council at its fifteenth session establishing a special mechanism in the form of a Working Group on discrimination against women in law and in practice.

39. My report on “Preventable maternal mortality and morbidity and human rights” (A/HRC/14/39) demonstrated how a human rights-based approach is necessary to achieve the MDGs, including the goal on maternal health. Since then, the Council has requested OHCHR to prepare a second report on effective human rights-based practices in this area.

40. In August 2010, I convened a high-level panel<sup>6</sup> to hear directly from and engage in a dialogue with victims of sexual violence in the Democratic Republic of the Congo regarding their needs and their perceptions of remedies and reparations available to them. The panel was also to make recommendations as to additional mechanisms that might be established, particularly to provide access to remedies for victims whose perpetrators are not known and whose claims therefore cannot be pursued through the formal justice system. From 30 September to 10 October, the panel travelled in the Democratic Republic of the Congo and met in closed session individually or in groups with 61 victims ranging from 3 to 61 years of age, including four male victims.

41. In November 2010, coinciding with the International Day to Eliminate Violence against Women,<sup>7</sup> OHCHR organized an expert workshop on the elimination of violence bringing together experts from different regions of the world to identify challenges, good practices and opportunities.<sup>8</sup>

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<sup>6</sup> The Panel was chaired by the Deputy High Commissioner for Human Rights, and comprised of Elisabeth Rehn, former Minister of Defence of Finland and currently Chair of the Board of Directors of the International Criminal Court Trust Fund for Victims, and Dr. Denis Mukwege, Medical Director of Panzi Hospital in Bukavu (South Kivu), Democratic Republic of the Congo.

<sup>7</sup> Pursuant to Human Rights Council resolution 11/2

<sup>8</sup> A summary report will be presented to the Council at its seventeenth session and the findings of the workshop will also feed into the OHCHR report on good practices in preventing violence against women to be presented to the Council at that same session.

**4. Discrimination against persons with disabilities, older persons, and persons affected by leprosy and HIV/AIDS**

42. The Council has before it my third Thematic Study on the Convention on the Rights of Persons with Disabilities (A/HRC/16/38), which this year focuses on international cooperation. OHCHR analysed the duties of States parties to cooperate internationally and compiled examples of experience in this field. Bringing about the change envisaged in the Convention requires mainstreaming disability rights effectively into broader international cooperation, including both development and humanitarian assistance.

43. OHCHR has stepped up its advocacy for the protection of the human rights of older persons. OHCHR and the Department of Economic and Social Affairs organized an Expert Group Meeting on the human rights of older persons in Geneva, in May 2010. OHCHR also contributed to the report of the Secretary-General entitled “Follow-up to the Second World Assembly on Ageing to the 2010 General Assembly Comprehensive Overview” (A/65/157) on the social situation, well-being, development and human rights of older persons at the national and regional levels. The report of the independent expert on the question of human rights and extreme poverty to the HRC on social pensions and older persons (A/HRC/14/31); and the general recommendation No. 27 of the Committee on the Elimination of Discrimination against Women on older women and protection of their human rights have also benefited from my Office’s support.

44. In the area of HIV/AIDS and human rights, I have continued to advocate for the elimination of discrimination and stigmatization, the persistence of which has impacted negatively on human rights and undermined national HIV responses. Key activities included a regional workshop in Bangkok on HIV/AIDS and human rights for national institutions in Asia and the Pacific. The conclusions of this and related regional workshops were presented at a special session on HIV and human rights during the March 2010 meeting of the International Coordinating Committee of the National Human Rights Institutions. OHCHR assisted in the production and dissemination of a revised version of the joint OHCHR/WHO/UNAIDS HIV cartoon entitled “Stand up for your human rights.” OHCHR also organized a consultation in Geneva on “the promotion and protection of human rights in the context of HIV and AIDS”.<sup>9</sup>

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

45. OHCHR has pursued the promotion of economic, social and cultural rights and continued strengthening its capacity to contribute to the protection and monitoring of these rights at national and international level, including through its cooperation with WHO, FAO, UNESCO, UN-Habitat and others. OHCHR has developed tools and training materials, and trained its staff on strategies and skills to monitor implementation of economic, social and cultural rights. OHCHR staff undertook over 20 missions to offer assistance and support to Governments, parliaments, United Nations country teams, field presences and civil society on rights such as the right to the highest attainable standard of physical and mental health, adequate housing, adequate food, education, social security, cultural rights and on the legal protection and justiciability of economic, social and cultural rights.

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<sup>9</sup> Pursuant to Human Rights Council resolution 12/27 and the report of which is before the sixteenth session of the Council.

46. In relation to the global food crisis, OHCHR actively participated in the Secretary-General's High-Level Task Force on the Global Food Security Crisis and contributed to the update of the Comprehensive Framework for Action for United Nations agencies and Bretton Woods Institutes by integrating the right to food and a human rights-based approach as one of the strategic entry points to address world food and nutrition security.

47. OHCHR also continued to advocate for bringing the human rights dimension to the centre of the climate-change debate, highlighting that climate change-related effects are felt not only by States and economies, but also – and more fundamentally – by individuals and communities. A human rights-based approach demands the participation of affected communities, attention to non-discrimination, and accountability of all duty-bearers to the rights-holders who experience the consequences of policies and practices. The importance of considering the human rights implications of climate change-related effects has been emphasized by my Office through a number of public statements, including during the sixteenth Conference of Parties to the United Nations Framework Convention on Climate Change, held in Cancun, Mexico, in December 2010.

48. OHCHR organized a consultation on land and human rights in November as an emerging issue. The outcome of this consultation will guide our work in the coming years. In addition, OHCHR published three new fact sheets: on the right to adequate food, with FAO; on the right to water, with WHO and UN-Habitat, and on the right to adequate housing with UN-Habitat. Since 2009, OHCHR issues an ESCR Bulletin for internal circulation and in October 2010, OHCHR launched a public edition for external partners, to inform on the work of the Office on these rights and provide useful materials, tools and case law.

49. Consistent with Member States' commitments in the 2005 World Summit Outcome and 2010 Millennium Development Goals Summit Outcome, OHCHR has been leading interagency efforts under the United Nations Development Group (UNDG) to further integrate human rights in United Nations operational activities for development and to strengthen policy coherence, coordination and capacity in the United Nations system to better respond to national priorities.. Such a holistic approach to the United Nations mission would help to bring together the three pillars of the United Nations work, in line with relevant intergovernmental agreements, and uphold the indivisibility of human rights including the right to development.

50. OHCHR contributed to the preparatory processes of the High-Level Plenary Meeting on the Millennium Development Goals in New York, which supported Member States' in achieving the inclusive catalogue of human rights commitments in the Summit Outcome document. The commitments covered a wide range of issues affecting duty-bearers at all levels, including in relation to maternal mortality and morbidity, the rights to food and health, the right to development and the important action agenda on trade, aid and debt relief. At the Summit itself, I was honored to participate in and address Roundtable Five on 'addressing the special needs of the most vulnerable', as well as side events on maternal mortality and smarter global partnerships under Goal 8.

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

52. As one example, OHCHR has been working with WHO to develop a policy assessment tool on “Human rights and gender equality in health sector strategies - How to assess policy coherence”, which will be finalized during the first quarter of 2011. Building upon rights-based budget monitoring work carried out in Haiti and Liberia in 2009, OHCHR is also developing a learning package on budget processes and human rights, to provide more effective support to Member States and national partners in their efforts to integrate human rights in their national development and poverty reduction strategies and is currently supporting a number of Governments, at their request, to integrate human rights into national development processes. Inspired by these examples, during the course of my Roundtable Five intervention at the MDGs Summit, I offered the support of OHCHR to all Member States willing to show their leadership in integrating human rights within their national development plans.

#### **D. Human rights in the context of migration**

53. In the second half of 2010, I chaired the Global Migration Group (GMG), a collective of 14 United Nations agencies, the International Organization for Migration and the World Bank. Through leadership of the GMG, OHCHR promoted a human rights-based approach to migration within the United Nations system and beyond, thus contributing to the international community’s increased responsiveness to migrants’ rights.

54. Under OHCHR chairpersonship, the focus of GMG on the human rights of migrants, particularly those in an irregular situation, led to increased awareness of migrants’ rights among senior Government representatives and the public at large. A case in point is the landmark joint statement on the human rights of irregular migrants adopted by the GMG Principals on 30 September 2010. A full-day GMG experts meeting on the same subject organized by OHCHR in October also generated policy recommendations that were widely disseminated.

55. The Office highlighted key migration and human rights themes at the regional and international levels, notably at the WHO, IOM and the Government of Spain’s Global Consultation on Migrants’ Health, held in Madrid in March 2010, as well as at the fourth Global Forum on Migration and Development (GFMD) held in Mexico in November 2010.

56. There, I drew attention to human rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families throughout the Forum. A side event was organized to mark the twentieth anniversary of the Convention, at which I advocated for ratification and concerted efforts at implementation. Commemorative events to mark the twentieth anniversary of the Convention on 18 December 2010 took place in various parts of the world.

57. The Office has continued to support compliance of migration policies, legislation and measures with international human rights standards, through its support to various human rights mechanisms, such as the Special Rapporteur on the human rights of migrants and the universal periodic review, as well as the Committee on Migrant Workers. It is my view, shared by all the GMG Principals in our joint statement, that, although States have legitimate interests in securing their borders and exercising immigration controls, such concerns do not trump the obligations of the State to respect the internationally guaranteed rights of all persons, to protect those rights against abuses and to fulfil the rights necessary for them to enjoy a life of dignity and security.

58. The Office has begun a project to develop a set of training modules to support a human rights-based approach to migration., aimed at ensuring that migrants enjoy human rights without discrimination.

59. OHCHR country and regional offices have played a key role in advocating for the human rights of migrants and the ratification of the Convention, have contributed to a draft instrument on decent work for domestic workers by the International Labour Organization (ILO), and to the development of a unified contract for migrant domestic workers to address the plight of many migrants in Lebanon who constitute a significant proportion of the labour force, but who did not enjoy the same rights as nationals in comparable occupations. OHCHR regional offices have also worked to foster subregional collaboration in protecting migrants' rights and combating trafficking in persons. Seminars, meetings and dialogues on migration and human rights were held in several regions.

60. Migrants, especially those in an irregular situation, are easy prey to traffickers. OHCHR worked to advance rights-based responses to trafficking in persons, including through publishing the *Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking*. It aims to elaborate the substantive content of the international law on trafficking and provides a comprehensive analysis of the Principles and Guidelines, in addition to serving as a practical tool on the rights-based approach to addressing trafficking in persons. In May 2010, OHCHR organized an expert seminar for members of the HRC, seeking to identify opportunities and challenges in developing human rights-based responses to trafficking and promoting the application of the Recommended Principles and a Council plenary panel also gave voice to victims and survivors of trafficking.

61. OHCHR will take over the rotating chair of the Inter-Agency Coordination Group against Trafficking in Persons for 2011. In this capacity, OHCHR will organize activities to raise awareness on issues related to human trafficking, in addition to furthering inter-agency coordination and cooperation. It will conduct several national and regional human rights capacity-building activities for law enforcement officials.

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

62. OHCHR led the process of elaboration of the "Guidance Note of the Secretary-General on United Nations Approach to Transitional Justice", which provides a right-based perspective on transitional justice and offers three approaches for further strengthening of United Nations activities in this area, including: (a) striving to take into account the root causes of conflict or repressive rule, and addressing the related violations of all rights, including economic, social and cultural rights; (b) taking human rights and transitional justice considerations into account during peace processes; and (c) coordinating disarmament, demobilization and reintegration (DDR) initiatives with transitional justice processes and mechanisms in a positively reinforcing manner.

63. OHCHR organized the Expert Workshop on Experiences of Transitional Justice Processes in Dealing with Violations of Economic, Social and Cultural Rights in October 2010. In March 2010, OHCHR assisted in convening the Council's panel discussion on the right to the truth.<sup>10</sup> The right to the truth for victims of human rights violations and their families has continued to evolve as a legal concept and panelists saw its development as a fundamental element in combating impunity.

64. In December 2010, OHCHR organized the Expert Workshop on Maximizing Opportunities for Coordination between DDR and Transitional Justice to map and assess selected experiences of DDR initiatives as they relate to transitional justice processes, to

<sup>10</sup> Pursuant to Human Rights Council resolution 9/11.

identify lessons learned, and to discuss and analyse the prospects for coordination in order to develop deeper understanding of how the two processes could positively reinforce each other.

65. In addition, OHCHR has provided advice and assistance on accountability and transitional justice issues. In Burundi, OHCHR supported the successful conduct and completion of national consultations on transitional justice in April 2010. In Togo, OHCHR provided advice on the design of national consultations and the subsequently established truth commission, as well as training and capacity-building for commissioners. Other activities were carried out with respect to Colombia, Darfur, the Democratic Republic of Congo, Guatemala, Kosovo, Moldova, Nepal, Senegal, Somalia, Timor Leste and Uganda.

66. OHCHR continued its work on the protection of witnesses and victims involved in judicial as well as quasi or non-judicial proceedings to ensure accountability. In particular, OHCHR provided technical support for the development of frameworks for witness and victim protection in Argentina, Nepal, Togo and Uganda. Furthermore, based on the framework for the protection of witnesses and victims presented in my report on the right to truth to the Council (A/HRC/15/33), OHCHR held two meetings in 2010: a high-level expert seminar in Uganda organized in partnership with the Ugandan Law Reform Commission and the United Nations Office on Drugs and Crime in November and a regional seminar in Nepal in December 2010, with the participation of stakeholders from seven countries (Afghanistan, Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka).

67. An expert meeting was organized on the right of peoples to peace,<sup>11</sup> to examine the relationship between peace and human rights, and another expert meeting<sup>12</sup> was organized in March 2010 to discuss the experience of various human rights mechanisms in the implementation of human rights in situations of armed conflict. OHCHR organized an expert meeting on human rights and traditional justice in December in South Africa.

68. In September 2010 OHCHR organized a subregional training seminar on human rights and elections, in cooperation with the Senate and National Assembly of Gabon and the Network of Central African Parliamentarians of the Economic Community of Central African States, for parliamentarians from seven Central African countries. A human rights seminar was jointly organized with United Nations Mission in Liberia in November 2010 for members of parliaments and NHRIs from six African countries (Nigeria, Gambia, Liberia, Uganda, Sierra Leone and the United Republic of Tanzania).

69. The establishment of professional, human rights compliant and accountable security agencies, armed forces, police and law enforcement agencies, whether in post conflict, early recovery and development contexts, is central. OHCHR is committed to ensuring that such initiatives are grounded in international human rights law and to ensure that all individuals can fully enjoy conditions of security in which to realize their human rights. The work of the Office on legal, policy and practical issues related to the security sector includes monitoring and reporting, advising on and advocating for reform where needed, as well as capacity-building and training. In some situations, sustainable protection of civilians will require vetting of security forces as part of broader reform efforts. In inter-agency processes, OHCHR is also undertaking a mapping of existing activities of OHCHR field presences in this area, which will enable headquarters and field presences to more effectively engage with security sector reform processes.

70. Human rights education is also essential to combating impunity and strengthen accountability, the rule of law and democratic society. My Office has implemented human

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<sup>11</sup> Pursuant to Human Rights Council resolution 11/4.

<sup>12</sup> Pursuant to Human Rights Council resolution 12/5.

rights education and training programmes, developed related tools and provides assistance to Governments, institutions and civil society.<sup>13</sup> OHCHR has continued to develop effective human rights education and training methodologies based on best practices. OHCHR finalized “Evaluating Human Rights Training Activities: A Handbook for Human Rights Educators”, a forthcoming joint publication with EQUITAS - The International Centre for Human Rights Education. From 2008 to 2010, through the “Assisting Communities Together” Project, OHCHR supported 95 grassroots human rights education and training projects in 28 countries.

71. OHCHR also continued to coordinate the World Programme for Human Rights Education. In August, on behalf of the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System, OHCHR submitted to the General Assembly the final evaluation report (A/65/322) of the first phase of the Programme (2005–2009), which focused on human rights education in the school system.

72. In July, OHCHR submitted to the Council the draft plan of action (A/HRC/15/28) for the second phase (2010–2014), focusing on human rights in higher education and on human rights training for teachers and educators, civil servants, law enforcement officials and military personnel, which was adopted by the Council in September in resolution 15/11.

## **F. Human rights in situations of armed conflict**

### **1. Human rights, peace and security**

73. OHCHR has continued to work in close cooperation with the Department of Peacekeeping Operations (DPKO), the Department of Political Affairs and the Department of Field Support (DFS) to strengthen the integration of human rights in the United Nations peace and security agenda, including through the development of policies and operational guidance for peacekeeping and special political missions, active participation in mission planning, as well as substantive and operational support through human rights components of peace missions. In the 17 peacekeeping and special political missions with human rights components, OHCHR provides substantive and human resources support, including policy and planning related advice from headquarters, ensuring the quality of human rights specialists serving in or applying to missions, professional training to human rights staff.

74. OHCHR was involved in efforts to enhance the implementation of Security Council mandates for the protection of civilians. As I have emphasized in my July and November addresses to the Security Council, effective human rights monitoring and reporting are central to the protection of civilians in order to prevent the commission of violations and to ensure accountability for violations. OHCHR contributed to the DPKO/DFS Operational Concept for the Protection of Civilians in United Nations Peacekeeping Operations, and to the development of a framework for mission-wide strategies for the protection of civilians. Globally, OHCHR is also contributing to a broader inter-agency review of United Nations experiences of providing support to non-United Nations security forces, with the aim to ensure that it is based on respect for human rights and international humanitarian law. In the Democratic Republic of Congo, OHCHR played an essential role in devising a full range of measures to adhere to the Security Council’s request that United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) support to military operations of the Congolese army be strictly conditioned on compliance with international humanitarian, human rights and refugee law. OHCHR is also actively

<sup>13</sup> More information is available from [www2.ohchr.org/english/issues/education/training/index.htm](http://www2.ohchr.org/english/issues/education/training/index.htm).

engaged in United Nations efforts to better protect women and children from sexual violence in conflicts. In addition to monitoring, investigation and reporting in the field to protect women from sexual violence and ensure accountability where it occurs, OHCHR has actively participated in the implementation of Security Council resolution 1888 (2009) through the recruitment of a human rights officer to be a member of the team of experts, and looking at the possible inclusion of woman protection advisers within human rights components of peace missions.

## **2. Rapid response capacity**

75. The OHCHR Rapid Response Unit has continued to support and contribute to short-term missions, fact-finding missions and commissions of inquiry aimed at ensuring accountability and providing technical advice in the aftermath of crises as well as in the implementation of resolutions of the Council in this area.

76. In the immediate aftermath of emergencies, OHCHR supported field presences through the deployment of temporary surge capacity missions. In January 2010, OHCHR developed a comprehensive strategy to support the Human Rights Section of the United Nations Stabilization Mission in Haiti (MINUSTAH) to respond to the protection crisis that erupted as a result of the earthquake in Haiti. A total of 15 staff were deployed over a period of six months to monitor the human rights situation in camps for internally displaced persons and to lead the Protection Cluster. In February 2010, as a result of the deteriorating human rights situation in Togo, OHCHR deployed a team of three human rights officers and one logistician to assist the field office to monitor the human rights situation and enhance national capacity for monitoring human rights in the context of the presidential election. In response to the outbreak of violence in the south of Kyrgyzstan in June 2010, OHCHR deployed eight staff in the immediate aftermath of the crisis to monitor the human rights situation in the area. In this context, OHCHR has been leading the Protection Cluster's Human Rights Sub-Group in the South of Kyrgyzstan.

77. In July 2010, OHCHR provided operational and technical support to the Committee of independent experts established by Council resolution 13/9 "to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards". OHCHR subsequently appointed a secretariat to support the Committee. The final report of the Committee was submitted to the Council's fifteenth session on 23 September 2010.

78. From June to September 2010, the Rapid Response Unit provided the same type of operational and technical assistance to the independent, international fact-finding mission established by the Council resolution 14/1. OHCHR established a secretariat to support the fact-finding mission. The final report of the fact-finding mission was submitted to the Council's fifteenth session on 27 September 2010.

## **3. OHCHR and humanitarian action**

79. Mainstreaming human rights in humanitarian action is central to the OHCHR mandate — promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights, in situations of armed conflict, violence and insecurity including in the context of natural disasters. Key to this is the Office's engagement with humanitarian partners and, in particular, with United Nations agencies in view of its role to coordinate the human rights promotion and protection activities throughout the United Nations system.



80. OHCHR continued to work closely with humanitarian partners at all levels of different humanitarian processes, notably as a standing invitee to the Inter-Agency Standing Committee (IASC). OHCHR is an active member of the IASC Sub-Working Group on Preparedness and contributes to the latter's four-monthly "IASC Early-Warning Early-Action" report. OHCHR monitoring, reporting and advocacy has been used to highlight deteriorating human rights situations and emerging crises to enable preventive measures to be taken by country teams, agencies and non United Nations partners. OHCHR is in this way supporting partners through analysis and recommendations of strategic options to mitigate emerging situations in for example Guinea, Kyrgyzstan and the Sudan.

81. In addition, the Office supports the Humanitarian Reform Process led by the Office for the Coordination of Humanitarian Affairs, in particular in the context of the Humanitarian Coordination Strengthening Project and the Cluster Approach, especially the Protection Cluster. OHCHR is a core member of the Global Protection Cluster Working Group and its various task forces including on natural disasters and learning. The Office also sits in the Steering Committee of the Protection Standby Capacity Project (ProCap), an inter-agency standby roster of protection officers that provides support to United Nations agencies in their protection response to crises.

82. Within the context of the cluster approach, the Office leads Protection Clusters in Haiti, Nepal, the occupied Palestinian territory and the Pacific region, and plays a key supporting role in other countries such as Kyrgyzstan and Uganda.

83. In order to enhance the expertise and capacity of OHCHR to deploy staff on humanitarian assignments, a number of staff participated in an OHCHR pilot training course on human rights and humanitarian action.

### III. Conclusion

84. **The year 2011 marks a number of anniversaries, such as the twenty-fifth anniversary of the Declaration on the Right to Development and the tenth anniversary of the Durban Declaration and Programme of Action. The year 2011 is also the International Year for People of African Descent and marks the conclusion of the Human Rights Council review and first cycle of UPR, setting the stage for the second cycle focusing on implementation of previous recommendations. In 2011, I will be submitting a compilation of recommendations for the strengthening of the treaty body system.**

85. **By definition, human rights work is a collective effort in a historic movement and strategic priorities are long term. The year 2011 will include a number of landmarks on which we will build to deepen our engagement in the six priority areas of our work. They will remain our priorities for the biennium 2012-2013. We will do so against the background of an untenable financial situation stemming from the gap between increased requests for mandated activities, zero growth of the regular budget and shrinking extrabudgetary resources.**