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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE
HIGH COMMISSIONER AND THE SECRETARY-GENERAL**

Follow-up to the World Conference on Human Rights*

Report of the United Nations High Commissioner for Human Rights

Summary

The present annual report, the first submitted to the Human Rights Council by the new United Nations High Commissioner for Human Rights, Navanethem Pillay, outlines the efforts made by the Office of the United Nations High Commissioner for Human Rights to implement its mandate. It describes the support given to the work of the Council and the effective functioning of its mechanisms. In this context, it pays attention to the universal periodic review and the support given to this process by the Office of the High Commissioner.

In the report, the High Commissioner elaborates on the strategic themes identified in the Strategic Management Plan for the period 2008–2009 and their implementation. She also gives an overview of ongoing efforts in the field and activities related to the sixtieth anniversary of the Universal Declaration of Human Rights. The report focuses on the support for an inclusive and successful Durban Review Conference and the leadership of the Office in enhancing a rights-based approach on issues such as migration, freedom of expression and incitement to racial and religious hatred. Finally, the report highlights the support for human rights treaty bodies and the importance of ensuring follow-up to the recommendations resulting from their work.

* The present report was submitted after the deadline in order to include the most recent information.

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I. INTRODUCTION

1. The present report is submitted pursuant to Human Rights Council decision 2/102, and should also be read in the context of my report submitted to the General Assembly (A/63/36). It comes at the end of the institution-building and consolidation period of the Council.

II. SUPPORT FOR THE WORK OF THE HUMAN RIGHTS COUNCIL AND THE EFFECTIVE FUNCTIONING OF ITS MECHANISMS

2. Over the past year, Member States have expressed the need for greater interaction and consultations by the Office of the United Nations High Commissioner for Human Rights (OHCHR) with the Council. Since assuming the office as High Commissioner for Human Rights in September 2008, I have taken steps to acquaint myself with the relationship of the General Assembly and Council vis-à-vis the Office. All three institutions have their respective authority and mandates, and their levels of autonomy and independence must be respected. I believe that transparency and cooperation should be the hallmarks of the support provided by OHCHR to the Council. I intend to continue to enhance periodic briefings with all delegations.

3. As a part of the United Nations Secretariat, the Office is subject to the United Nations intergovernmental system of oversight for Secretariat programmes. In accordance with the United Nations Financial Regulations and Rules, OHCHR contributes to the Strategic Framework, which represents the Secretariat-wide biennium programme plan. The Framework is prepared by the Secretariat under the overall authority of the Secretary-General, and reviewed by the Committee for Programme and Coordination, before being submitted for approval to the General Assembly. As such, it forms the basis for the approval of the OHCHR budget by the General Assembly. My predecessor, when presenting her annual report to the Council at its seventh session, committed herself, on a voluntary basis, to sharing with all Member States the contribution of OHCHR to the Strategic Framework, for comments to be conveyed to the New York-based governing bodies for their consideration. Although my predecessor stated that this should not serve as a precedent, I intend to follow this practice.

4. The Strategic Framework is not to be confused with the Strategic Management Plan, previously known as the Office Annual Appeal, which is a results-based management tool. The Plan builds on the Strategic Framework and focuses its implementation to enhance office-wide coordination, thereby ensuring the best possible utilization of the available extra-budgetary and regular budget resources. To fully inform Member States of both elements of OHCHR funding and expenditure, regular and extra-budgetary, the Plan is made public. I am committed to pursuing a cooperative and transparent approach with all Member States. In this spirit, I intend to arrange periodic gatherings for the purpose of sharing information with all delegations. I also consider it appropriate for the High Commissioner to make suggestions or recommendations to the Council on issues of common concern.

A. Universal periodic review

5. The establishment of the universal periodic review has led to the reinforcing of the level of cooperation between States, the Human Rights Council and United Nations human rights mechanisms. As the experience of the review of the first 48 States in April, May and December

2008 showed, States take on their responsibility very seriously, fully engaging in the preparation of national reports through broad consultation with all relevant stakeholders, and actively participating in the actual review at all levels. Indeed, various countries reviewed undertook firm commitments to strengthen their cooperation with special procedures, ratify human rights instruments to which they were not yet parties and take initiatives to better implement human rights at the national level.

6. I find it particularly encouraging that the Council provides a forum for the review of the situation of human rights in all States, including those which had not come under the scrutiny of the Commission on Human Rights. The review reveals that all States face challenges in the implementation of their obligations and commitments in the human rights area. Good practices are emerging in various States. In the longer term, I believe that, for the second review cycle, it will be advisable to identify a shorter but more precisely defined list of Council recommendations to States under review.

7. In the same vein, in the conceptualization of the second cycle, a process in which my Office will continue to play an active role, it will be important to consider the injection of independent expertise in the review process so as to strengthen it into an effective implementation mechanism with targeted and prioritized recommendations to be addressed to States under review.

8. Indeed, the new mechanism may also serve as a tool for strengthening the promotion and protection of all human rights for all on the ground. To this end, the field presences of my Office are an essential interface between the international human rights machinery and needs at the national level so that they can be reflected accurately in recommendations and conclusions, and their implementation facilitated, in particular, in relation to requests for capacity-building and technical assistance. My Office is working with other agencies, United Nations departments and international organizations with a view to organizing, at the regional and subregional levels, training sessions prior to the consideration of reports of States under review. The Office also supports the setting-up of an adequate system for the implementation of the recommendations for technical cooperation made in the context of the review process, to be funded by the Universal Periodic Review Voluntary Trust Fund for Financial and Technical Assistance. In this regard, I would urge Member States to contribute generously to the Fund.

B. Thematic panels and special sessions

9. The consideration of thematic issues in the format of panels and general discussions has proved to be a practical and informal way to focus attention on a number of subjects that warrant an exchange of views in the framework of the Council. Such discussion forums seem to be particularly suited for deliberations on issues too circumscribed in scope and nature to merit the creation of permanent dedicated mandates, and for the consideration of cross-cutting topics. Urgent matters or emergency situations, however, such as the global food crisis or the impact of the financial crisis, are best being addressed through thematic special sessions. While I welcome, in principle, the proliferation of thematic forums, it is important to delineate more clearly the choice of topics and the working arrangements to ensure that discussions are substantive in nature and fully integrated into the Council's activities in a meaningful and results-oriented manner.

10. It should be recalled that the reform of the Commission on Human Rights was initiated against the background of politicization and polarization that had led to its de facto paralysis. Since its inception in June 2006, the Council has witnessed a re-surfacing of confrontational terms, in particular when addressing country-specific issues. This is regrettable. I urge all actors, both governmental and non-governmental, to continue to uphold the spirit of the reform and dialogue. In this respect, I wish to emphasize that the special sessions convened by the Council to respond to serious and urgent situations serve for the most part as very good examples, not only of the responsiveness of the intergovernmental body to emergencies, but most importantly, of the potential of a united Council to reach results-oriented outcomes and to put into practice its protection mandate.

11. It is of crucial importance that the Council is equipped with all appropriate and necessary tools and mechanisms to deal with urgent and chronic human rights country or thematic situations. In this regard, I believe it would be of use to analyse in the context of the 2011 review of the Council other formats that could be used to serve this purpose. For example, in addition to the special sessions framework, special briefings or events could be organized to deal with, for instance, the impact of the current global economic crisis on the protection of human rights. Similarly, the consideration of country or regional situations would be facilitated by a broadening of the possible outcomes of special sessions. Declarations, President's statements or press statements may be envisaged as possible outcomes of any special session, meeting, briefing or event.

C. Special procedures

12. I wish to emphasize the effective work performed by the special procedures as the Council's fact-finding and monitoring mechanisms with the ability to engage on thematic or country-specific issues consistently over a longer period of time. I encourage the Council to continue to engage actively with Member States and the special procedures in relation to the implementation of their recommendations.

13. In 2008, my Office assumed major responsibilities as a result of the outcomes of the review, rationalization and improvement of mandates and the appointment of 27 new mandate-holders. While a number of country mandates have been discontinued by the Council over the past year, all thematic mandates have been renewed, and a new mandate was created on access to safe drinking water and sanitation. In addition, in 2008, a new mandate-holder was appointed for the mandate on contemporary forms of slavery, created in September 2007. The review of mandates has also expanded the activities or scope, or the reporting requirements, of a number of special procedures.

14. My Office continues to provide substantive support to individual mandate-holders. Dedicated support has also been provided to the system of the special procedures as a whole, as represented by the Coordination Committee. The Committee has been supported in its continuing efforts to harmonize the working methods of the system. I am pleased to note that, in the President's statement adopted on 18 June 2008 (PRST/8/2), the Council acknowledged the role of the Committee. We have successfully ensured a smooth transition between outgoing and new

mandate-holders, through the organization of information sessions for groups of mandate-holders, as well as through individual inductions.

15. The special procedures are uniquely placed to act as an early warning system in relation to situations involving serious human rights violations, stemming from their ability to monitor the situation in any country of the world in the context of their specific mandates. I am encouraged by the fact that, in recent years, with the support of my Office, mandate-holders have developed consistent approaches to serious crisis situations and engaged in a reflection on the systematization of collective responses in cases where certain situations could spiral into grave human rights violations. There has been an increase in joint activities by mandate-holders in the form of joint communications, joint missions and joint statements.

16. I am pleased to note that the special procedures have contributed to the special sessions of the Council. One example was the special session held in May 2008 dedicated to “the negative impact on the realization of the right to food of the worsening of the world food crisis, caused inter alia by the soaring food prices”. The Special Rapporteur on the right to food had called for this event, which constituted the first ever thematic session of the Council.

17. In the context of recent crisis situations, the Council has tasked several thematic mandate-holders with specific country reporting functions. For instance, the Council has requested on two occasions seven mandate-holders to examine, within their respective mandates, the current situation in the Democratic Republic of the Congo and to report thereon to the Council. Most recently, the Council has mandated all relevant special procedures and other mandate-holders to urgently seek and gather information on the violation of the human rights of the Palestinian people and to report thereon to the Council.

18. I encourage the Council to take immediate, decisive and appropriate action on the recommendations submitted by the special procedures in response to crisis situations. I also encourage the Council to consider how it can provide mandate-holders and my Office with sufficient capacity and resources so that important activities in the context of emerging or actual crisis situations are not undertaken at the expense of the capacity and resources required to carry out the regular monitoring mandates of the special procedures.

III. DEVELOPMENTS IN STRATEGIC THEMATIC AREAS

A. Combating discrimination

19. OHCHR provides leadership within the United Nations system in combating racism, racial discrimination, xenophobia and related intolerance, and in promoting the principle of equality and non-discrimination. Combating all forms of discrimination is a standing priority of the Office. In addition to the dedicated Anti-Discrimination Unit, several other parts of the Office work on the promotion of the rights of marginalized and vulnerable groups, such as indigenous peoples and minorities, and focus on women and gender issues as well.

20. As part of the general anti-discrimination agenda outlined in the Durban Declaration and Programme of Action, the Office has undertaken several key activities to implement the mandates set out in the agenda (further elaborated in chapter VI), among them providing

substantive and secretariat support to the Working Group of Experts on People of African Descent, the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, and for the first session of the Ad Hoc Committee on Complementary Standards, as well as contributing to the elaboration of guidelines on a good practices database and advancing the elaboration of the guidelines for the adoption of anti-discrimination legislations, policies and mechanisms. In addition, the Office has continued to organize events to raise awareness in the fight against racial discrimination, including a high-level panel discussion for the commemoration of the International Day for the Elimination of Racial Discrimination (21 March), and holding consultations with regional and United Nations agencies to enhance cooperation in the fight against racial discrimination.

B. Indigenous and minority issues

21. I am happy to report the continuing attention given by the international community to the rights of indigenous peoples. My Office is providing full support to the work of the Expert Mechanism on the Rights of Indigenous Peoples, launched in 2008. We have also taken a leading role in the promotion of the United Nations Declaration on the Rights of Indigenous Peoples, adopted in September 2007, including through inter-agency cooperation. This has led to substantial recommendations for the integration of the Declaration into United Nations policies and operational programmes. The incorporation of the Declaration into national normative and institutional frameworks is another crucial goal for OHCHR

22. Among the commitments assumed by States in the Durban Declaration and Programme of Action is that law enforcement agencies should be representative of, and responsive and accountable to, the community as a whole. In this regard, my Office has developed Guidelines and Good Practice on Diversity in Policing, in consultation with experts from all regions. In cooperation with the Inter-Agency Group on Minority Issues, my Office has also developed an information tool, entitled “Towards developing country engagement strategies on minorities”, to provide relevant expertise to United Nations country programmes. We have also launched a regional Andean project on the promotion of the human rights of Afro-descendants in Bolivia, Ecuador and Peru, to build the institutional capacity of Afro-descendant organizations and to enable them to better defend their human rights.

23. Enhancement of skills and expertise of the Office staff and of stakeholders is paramount in our efforts to promote and protect the human rights of minorities and indigenous peoples. To that end, the Office held a training workshop in Addis Ababa for OHCHR staff in Africa, and continued its capacity-building fellowships programmes for indigenous and minority representatives. The Voluntary Fund for Indigenous Populations funded the travel of more than 70 indigenous representatives to the seventh session of the Permanent Forum on Indigenous Issues and the inaugural session of the Expert Mechanism on the Rights of Indigenous Peoples, while the Voluntary Trust Fund on Contemporary Forms of Slavery funded over 30 projects providing aid to victims and addressing problems of contemporary forms of slavery.

C. Gender and women’s rights

24. Whether in conflict or in peace, deeply rooted gender inequality and far-reaching discrimination against women are a reality, resulting in the denial of basic human rights and

contributing to various forms of violence. The Plan of Action for 2005 and the Strategic Management Plan for the period 2006–2007 put gender and women's rights at the core of the work of the Office. While the Women's Human Rights and Gender Unit established to this end in 2006 remains small, it has focused on legal analysis, advocacy and development of tools in selected key areas. As a contribution to the Secretary-General's campaign to eliminate violence against women, my Office sponsored and provided the main legal analytical contribution to the "Seeking justice" conference, held in September 2008 together with the non-governmental organization Medica Mondial, with participants from 26 mainly conflict and post conflict countries to examine the impact and appropriateness of transitional justice with respect to women. The legal analyses have also served as the basis for training sessions and briefings for several Governments on the implementation of Security Council resolutions 1325 (2000) and 1820 (2008).

25. My Office has provided guidance and assistance to intergovernmental, governmental and non-governmental stakeholders to facilitate the integration of women's rights and a gender perspective. We organized two discussions on laws that discriminate against women, on 4 April and 9 June 2008, and contributed to a Government-led discussion on the subject together with members of the Committee on the Elimination of Discrimination against Women, on 24 October 2008. We also facilitated three interactive discussion panels on gender and women's rights during the eighth and ninth sessions of the Council, on the questions of violence against women, maternal mortality as a human rights issue, and the integration of a gender perspective into the Council's work.

26. OHCHR country offices have been systematically integrating gender into their work. In addition, an office-wide gender evaluation will be undertaken and a high-level OHCHR reference group has been created to guide the process of further mainstreaming activities.

D. Combating impunity and prevention of genocide

27. The issue of combating impunity is critical to the realization of human rights, as laid out in the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Vienna Declaration and Programme of Action. I believe that national and international measures must be taken to secure the right to the truth, the right to justice, the right to reparation and other guarantees of non-recurrence.

28. There have been advances in addressing impunity through developments in international law and practice. In this respect, I would highlight the major prosecutions of sexual violence as war crimes; the recognition of the incompatibility of amnesties that lead to impunity with the duty of States to punish serious crimes under international law; the clarification of States' obligations to combat impunity for serious violations of economic, social and cultural rights; and the recognition of the need to ensure broad public consultations, including with victims, in the design and implementation of measures for combating impunity. However, much still remains to be done, particularly at the national level, to shore up accountability for serious violations.

29. Courts, police, parliaments and inspection and oversight bodies, such as national human rights institutions, play an instrumental role in the fight against impunity. OHCHR has developed special tools for the training of judges, lawyers and prosecutors, and carried out several technical

assistance programmes in this area. The Office also expanded its support for legal system monitoring. This included training for staff of peace operations and an expert workshop to explore practices, lessons learned and further guidance.

30. OHCHR has also continued to support the strengthening of accountability structures, with emphasis on mechanisms of investigations at the national and international levels. A tool recording best practices related to national commissions of inquires is being developed. Attention is also being given to the protection of witnesses.

31. As requested by the Council in its resolution 7/25, OHCHR organized a seminar on the prevention of genocide, which was held on 21 January 2009, and included the participation of the Special Adviser on the Prevention of Genocide and Mass Atrocities. The objective of the seminar was the discussion of preventive strategies, initiatives and mechanisms that currently exist within the United Nations human rights system, as well as the role of Member States, regional bodies and other entities in the prevention of genocide.

32. When States are unwilling or unable to genuinely investigate and prosecute genocide, war crimes and crimes against humanity, international justice must be provided. To close the impunity gap, States should consider deepening their cooperation with the International Criminal Court. It is essential that the independence of the Court be preserved and that no measure be taken to undermine its ability to rule on matters before it.

33. Restoring confidence in national justice systems in the aftermath of conflict remains a challenge. OHCHR has continued to lead the United Nations system on transitional justice issues. It developed nine policy tools and contributed to finalizing two sets of principles and guidelines, to assist the United Nations system, transitional administrations and civil society to better craft their responses to transitional justice needs. OHCHR tools are grounded in international standards and contain lessons learned from United Nations operations, including with regard to prosecutions, the legacy of hybrid courts, amnesties, truth commissions, reparations programmes, national consultations and vetting. An additional tool on archives is being developed.

34. To facilitate the operational use of existing standards and tools on transitional justice, in March 2008, the Office convened a regional expert workshop in Phnom Penh focusing on the tools and the legacy of hybrid courts and on reparations programmes, taking stock of transitional justice activities and further needs in the region. A similar regional workshop was convened in November 2008 in Burundi together with the United Nations Integrated Office in Burundi. OHCHR also participated in the preparatory meeting on Justice and Reconciliation in Somalia, held in Djibouti on 22 and 23 November for the members of the high-level committee established in the framework of the Djibouti Agreement of June 2008 and civil society.

35. The duty of States to respect human rights while countering terrorism remains a priority for the Office. In implementing the human rights pillar of the United Nations Global Counter-Terrorism Strategy, OHCHR fed into the Counter-Terrorism Implementation Task Force and guided the activities of the working group on protecting human rights while countering terrorism. An expert meeting was organized to initiate discussion and provide recommendations

for the promotion and enhancement of the protection of economic, social and cultural rights in the context of countering terrorism.

36. The working group on protecting human rights while countering terrorism selected 10 areas of counter-terrorism measures or policies that are used by Member States, which require additional guidance to clarify their human rights obligations and ensure compliance therewith. The tools will be developed in early 2009.

37. With the view that human rights protection must be enshrined in constitutions, a seminar to strengthen the capacity of OHCHR to provide constitutional assistance to States was organized in Geneva in December 2008.

E. Migration

38. Migration offers great opportunities and benefits to receiving and sending countries as well as to migrants and their families, but there are also challenges that need to be addressed. As the financial crisis turns into an economic crisis, a rise in xenophobia, anti-migrant sentiments and discriminatory practices is likely to affect the rights of migrant workers and members of their families. Migrant workers will be, and already are, the first ones to lose their jobs, not only because their status is called into question but also because they are employed in sectors that are particularly affected by the crisis. In responding to the financial crisis, States need to ensure that domestic policy adjustments, particularly those in fiscal spending, are not made at the expense of the poor and the marginalized through cutbacks in spending in the health, education and social protection sectors, which would have a disproportionate impact on migrant workers and their families. Strengthening and maintaining social protection systems while ensuring access to basic services are crucial to support populations as a whole, as well as those especially vulnerable and marginalized.

39. One worrisome trend being witnessed today is the increasing criminalization of irregular migration, with violations of migrants' rights during all phases of the migration process. This is linked in many countries to persistent anti-migrant sentiment, which is often reflected in policies and institutional frameworks designed to manage migratory flows, sometimes in a purely restrictive manner and involving mandatory detention. There are many criminal justice practices used by States to combat irregular migration, including greater criminalization of migration offences (as opposed to treating them as an administrative offence) and cross-border collaboration by police and other authorities, which have, in certain cases, resulted in increased violations against migrants. While comprehensive State policies – as opposed to ad hoc measures – on migration are desirable, these policies must incorporate a human rights-based approach, including protection against arbitrary detention. To address these issues, together with other partners, OHCHR co-organized a number of conferences and seminars, such as the African Parliamentary Conference on Migration, in Rabat, in May 2008, a regional conference on refugee protection and international migration in West Africa, in Dakar, in November 2008 and a parallel event to the seventh session of the Council on the challenges of irregular migration, with the participation of national delegations, non-governmental institutions and trade unions.

40. As a founding member of the Global Migration Group, OHCHR contributed substantively to the report published in October 2008 on international migration and human

rights. The report advocates for a human rights-based approach to migration and recalls that respecting human rights is not only a legal obligation but also a precondition for our societies to grow and prosper in peace and security.

41. Together with the Government of Mexico, OHCHR co-organized in September 2008, the International Meeting on the Protection of the Rights of Children in the Context of International Migration. At the Meeting, participants discussed aspects related to the human rights of children in the context of migration, and adopted a set of recommendations to that effect. As the convenor of the steering committee for the promotion of ratification of the Migrant Workers Convention, in which the International Labour Office (ILO), the International Organization for Migration, the United Nations Children's Fund and several non-governmental organizations participate, OHCHR continued its advocacy for the ratification of the Convention.

42. States and intergovernmental organizations need to review existing migration frameworks, which, by failing to respect the basic human rights of migrants, may increase their vulnerability and thus their risk of becoming victims of trafficking. Particular attention should be given in this regard to the preservation of the principle of family unity. States have an obligation to prevent trafficking and associated human rights violations, including through addressing the factors that increase vulnerability to trafficking, such as inequality, poverty and discrimination.

43. OHCHR developed the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) in 2002 as a framework and reference point for our own work on this issue; we encourage States and intergovernmental organizations to implement the Principles and Guidelines in their own efforts to prevent trafficking and to protect the rights of trafficked persons.

F. Freedom of expression and incitement to racial and religious hatred

44. In accordance with Council resolution 7/19 on combating defamation of religions, the Office submitted, in September 2008, a report on the implementation of that resolution (A/HRC/9/7) as well as a study compiling relevant existing legislations and jurisprudence concerning defamation of and contempt for religions (A/HRC/9/25). In addition, the report of the Secretary-General of October 2008 (A/63/365) focuses on measures and activities undertaken by Member States, United Nations human rights mechanisms and treaty bodies, United Nations bodies, regional organizations, national human rights institutions and non-governmental organizations with regard to the implementation of General Assembly resolution 62/154.

45. In order to contribute further to the ongoing debate on the demarcation line between freedom of expression and hate speech, especially in relation to religious issues, OHCHR convened an expert meeting to address the issued of freedom of expression in the context of advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence. A substantive report on the seminar, which was held in Geneva on 2 and 3 October 2008, is submitted as an addendum to the present report (A/HRC/10/31/Add.3).

G. Economic, social and cultural rights in the light of the food, energy and financial crises

46. In 2008, the impact on all human rights of the food and energy crisis earlier in the year, followed then by the financial crisis, was felt globally, but most particularly by those individuals and groups in society who were already marginalized and discriminated against. Direct negative effects include the loss of employment, limited access to credit for productive activities, and the weakening of social security systems and others social safety-net mechanisms, further undermining the capacity of marginalized groups to cope with rising food prices. During the year, OHCHR engaged actively and systematically in international discussions in the response to the food crisis, including by supporting the special session of the Council, on 22 May 2008, my predecessor's participation in the High-Level Conference on World Food Security of the Food and Agriculture Organization of the United Nations, held in Rome from 3 to 5 June 2008, and through substantive contributions to the Secretary-General's High-Level Task Force on the Global Food Security Crisis. Joint contributions were made to the Task Force with the Special Rapporteur on the right to food to develop a comprehensive framework for action as a common strategy for the United Nations and the Bretton Woods institutions in response to the crisis.

47. OHCHR also developed guidance on human rights and the food crisis for field presences, and support was extended to national responses to the negative impact of the food crisis.

48. On 10 December 2008, International Human Rights Day, the General Assembly closed a long-standing gap in the equal treatment and indivisibility of all civil, cultural, economic, political and social rights by adopting the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. I look forward to the speedy entry into force of this important instrument for individual redress.

H. Climate change

49. In response to the Council's call in its resolution 7/23 to study the relationship between human rights and climate change, OHCHR undertook an extensive consultative process, including initiating institutional links with the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change (IPCC) towards the preparation of an analytical report (A/HRC/10/61) looking at the human rights dimensions of climate change, to be presented to the Council at its tenth session. I also participated in a high-level planning meetings organized on this topic by the Secretary-General.

50. Inside countries, existing vulnerabilities are exacerbated by the effects of climate change, the effects of which on human rights are determined by non-climatic factors, including discrimination and unequal power relationships. The application of a human rights approach in preventing and responding to the effects of climate change serves to empower individuals and groups, who should be perceived as active agents of change and not as passive victims.

I. Right to development

51. OHCHR has continued to promote the right to development by providing substantive support for human rights mechanisms, including the high-level task force on the implementation

of the right to development and the open-ended working group on the right to development. Furthermore, it undertook activities aimed at integrating human rights, in particular the right to development, into global development partnerships. For instance, a workshop was organized in Geneva in September 2008 to discuss the financing for development agenda from the perspective of human rights, and a panel discussion on global economics and human rights was held at Headquarters in October; both events were aimed at contributing an input to the preparatory process for the Doha Review Conference on Financing for Development. The Office also promoted the integration of a human rights perspective into aid effectiveness through participation in a United Nations-wide preparatory process leading up to the Accra High-Level Forum on Aid Effectiveness. OHCHR also co-sponsored and participated in the panel discussion organized in October 2008 during the annual World Trade Organization Public Forum, which highlighted the values of human rights for promoting people-centered and development-oriented trade policies. In January 2009, OHCHR, in partnership with Harvard University, organized an expert consultation on methodological issues of qualitative and quantitative tools for measuring compliance with the right to development, intended to contribute to the development of criteria for evaluating progress towards Millennium Development Goal 8 from the perspective of the right to development.

52. The Office continued to work on and publish communications and advocacy materials, describing how efforts directed towards the Millennium Development Goals, including Goal 8 could be strengthened by human rights and how both international and national responsibilities are critical for poverty reduction. Such materials included "Claiming the MDGs: a human rights approach", a joint OHCHR/United Nations Millennium Campaign brochure, and a joint publication with the World Health Organization entitled "Health, human rights and poverty reduction strategies", embracing obligations of international and national actors to realize human rights in the context of health and national poverty reduction strategies.

J. Human rights mainstreaming

53. The 2005 World Summit Outcome¹ gave further impetus to system-wide efforts to mainstream human rights in United Nations activities, which will continue to be a priority for the Office across thematic areas and country-level work. Particular focus has been put on strengthening support for the United Nations Resident Coordinator system, providing guidance, advice and training in response to national needs. A strong partnership was forged with United Nations development agencies under the Action 2 interagency initiative led by OHCHR, which successfully concluded at the end of 2008. Over the past four years, the programme has supported more than 60 United Nations country teams in developing their capacity and that of national partners in strengthening national protection systems.

54. In line with the commitment made by Member States at the 2005 World Summit and in response to their increasing requests, the Office has also paid great attention to supporting efforts to mainstream human rights into national policies, particularly in the context of country-led poverty reduction strategies and national Millennium Development Goals. In 2008, OHCHR organized a regional dialogue in Johannesburg, South Africa and one in Bangkok, bringing together national actors on development and human rights as well as international and regional

¹ General Assembly resolution 60/1.

partners to assess human rights integration into regional and national-level policies, with a view to identifying key gaps and possible legal and policy responses to align the Millennium Development Goals with human rights.

IV. STRENGTHENED COUNTRY ENGAGEMENT

55. OHCHR has continued to focus on strengthening human rights promotion and protection at the country level by means of the various tools at its disposal, including support for human rights mechanisms, dialogue with national counterparts, continued partnerships within the United Nations system and with regional organizations, and through field presences.

56. As at January 2009, OHCHR is running and supporting 51 field presences: 10 regional presences,² 10 offices at the country level,³ 16 human rights components in United Nations peace missions,⁴ and 15 human rights advisers in United Nations country teams.⁵ With regard to field presences, a most welcome development was the signature, in December 2008, of a memorandum of understanding between the Government of Qatar and OHCHR for the establishment of a human rights training and documentation centre for South-West Asia and the Arab Region, requested by the General Assembly in its resolution 60/153. I am also grateful for the renewal, in August 2008, by the Government of Guatemala, of the memorandum of understanding governing the OHCHR country office, and for the Government of Panama's intention to extend the agreement on the Regional Office based in Panama City. OHCHR has conducted consultations for the establishment of a regional office for Europe, to be based in Brussels, and is undertaking preparations to this end. I look forward to successful discussions concerning the conclusion of renewed agreements for OHCHR country offices in Cambodia and Uganda and for the renewal of the OHCHR office in Nepal. Negotiations have been ongoing to identify a host country for the establishment of a regional office for South-West Asia as well as for the Middle East and North Africa. I am hopeful of concluding these processes in 2009.

57. Since 2006, the activities of the OHCHR rapid response unit has been at the core of efforts to react promptly, systematically and effectively to deteriorating or potentially

² 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), Latin America and the Caribbean (Panama City); the OHCHR Liaison Office for Latin America and the Caribbean (Santiago) and the Central Africa Centre for Human Rights and Democracy (Yaoundé). In 2009, the Regional Office for Latin America will be fully reinstated, while the Regional Office in Panama will cover Central America, in accordance with the agreement between the Government of Panama and OHCHR.

³ OHCHR presences at the country level included offices in Bolivia, Cambodia, Colombia, Guatemala, Kosovo, Mexico, Nepal, the Occupied Palestinian Territory, Togo and Uganda.

⁴ OHCHR supported the human rights components of the United Nations Integrated Office in Burundi, the United Nations Peacebuilding Support Office in the Central African Republic, the United Nations Mission in the Central African Republic and Chad, the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Mission in the Sudan, the African Union-United Nations Hybrid Operation in Darfur, the United Nations Mission in Liberia, the United Nations Integrated Peacebuilding Office in Sierra Leone, the United Nations Operation in Côte d'Ivoire, the United Nations Peacebuilding Support Office in Guinea-Bissau, the United Nations Office for West Africa, the United Nations Assistance Mission in Afghanistan, the United Nations Integrated Mission in Timor-Leste, the United Nations Assistance Mission for Iraq, the United Nations Observer Mission in Georgia and the United Nations Stabilization Mission in Haiti.

⁵ Human rights advisers were posted to Ecuador, Guinea, Indonesia, Kenya, Kyrgyzstan, Nicaragua, the Niger, Papua New Guinea, the Republic of Moldova, the Russian Federation, Rwanda, Serbia, the southern Caucasus, Sri Lanka and the former Yugoslav Republic of Macedonia.

deteriorating human rights situations, and to coordinate conceptual and operational support for the implementation of resolutions and decisions of the Human Rights Council or other United Nations organs requesting fact-finding missions or investigations. Thus, in 2008, through its rapid response capacity, OHCHR was able to provide support in a number of situations, including in the context of the elections in Georgia to support the United Nations country team, in January; in support of the mission of the Special Rapporteur to Myanmar, in March; through the deployment of a fact-finding mission to Kenya, following the post-electoral violence of December 2007, in February; in Armenia, in support to the United Nations country team, in the context of post-electoral violence, in March; to Beit Hanoun, in support of the High-Level Fact-Finding Mission mandated by the Council in its resolution S-3/1 in November 2006, deployed in June 2008; in Bolivia, in support of the OHCHR country office in the context of local elections and referendums, in May and June; and in Georgia again and the Russian Federation, to strengthen human rights advice to the country team in the aftermath of the crisis in the region, in August and September.

58. Through its National Institutions Unit, OHCHR continued to provide advice to Member States on the establishment and responsibilities of national human rights institutions, assisting in ensuring their compliance with the Paris Principles and in strengthening their capacity to address protection issues.⁶ In 2008, OHCHR thus assisted in the establishment or strengthening of institutions in Bahrain, Bangladesh, Burundi, Cambodia, Cape Verde, the Central African Republic, Chile, Denmark, Djibouti, Ecuador, Ethiopia, Guinea-Bissau, India, Indonesia, Iraq, Kyrgyzstan, Lesotho, Liberia, Lithuania, Malaysia, Mauritania, Mauritius, Mongolia, Nepal, Pakistan, Palau, Panama, Rwanda, Sri Lanka, the Sudan (South Sudan), Tajikistan, Timor-Leste, Togo, Uganda and Uruguay. It continued to provide secretarial support for the meetings of the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Throughout its work, OHCHR has focused on the importance of partnerships among national human rights institutions, non-governmental organizations and the United Nations system, at the country, regional and international levels. In 2008, OHCHR started a fellowship programme, whereby the staff member of an A-status national human rights institution works at the Unit for six months in order to gain knowledge of and experience with the United Nations human rights system.

59. Progress towards further integration of human rights in peace missions continued in 2008, including through the release of more public human rights reports by peace missions and through the participation of OHCHR in a number of technical assessment missions, led by the Department of Peacekeeping Operations or the Department of Political Affairs, and other significant mission-planning activities.

60. Increasing engagement in the area of humanitarian work and reform remained an important part of the Office's focus in 2008. Through the Geneva and New York-based inter-agency settings and increasingly through field presences, efforts continued to ensure more systematic consideration of human rights in relevant humanitarian discussions and actions. At the country level, an increasing number of human rights field presences have taken a leading role

⁶ See A/HRC/10/54 and A/HRC/10/55.

in protection clusters, in Nepal, northern Lebanon, Iraq, Afghanistan, Chad, Timor-Leste and Georgia.

61. In addition to the work conducted by country and regional presences, at the headquarters level, partnerships with regional organizations have been enhanced in all regions and made a fresh start when OHCHR organized a seminar on regional arrangements for the promotion and protection of human rights in November 2008.

62. The special procedures benefit from OHCHR field presences as their follow-up activities and close collaboration with Governments help translate recommendations formulated by mandate-holders during their country visits into reality. Follow-up initiatives to the recommendations of special procedures have increased in recent years as the number of field presences has also increased.

V. SIXTIETH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

63. The year-long advocacy campaign to mark the sixtieth anniversary of the Universal Declaration of Human Rights yielded a wide range of public information products, activities and events throughout the world. OHCHR organized a campaign around the slogan “Dignity and justice for all of us” and a special logo, and produced a number of public information products and websites. All partners, including States, civil society and United Nations entities took part in the campaign. OHCHR field offices organized celebratory activities throughout the year.

64. OHCHR commissioned, together with the non-governmental organization Art for the World, a series of 22 short films created by some of the world’s leading directors entitled *Stories on Human Rights*. This was accompanied by the publication of a book featuring 12 internationally known writers, including five Nobel Prize winners. The Office also called on all human rights partners worldwide to pay special attention to the civil, cultural, economic, political and social rights of persons deprived of their liberty in prisons and other places of detention, in the Dignity and Justice for Detainees week in October 2008.

65. Two commemorative sessions were held by the United Nations: one by the General Assembly on 10 December, another by the Human Rights Council on 12 December with the participation of the Secretary-General.

VI. THE DURBAN REVIEW CONFERENCE: TOWARDS AN INCLUSIVE AND SUCCESSFUL REVIEW CONFERENCE

66. The main objective of the Durban Review Conference is to assess the implementation of the commitments undertaken by the international community at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001. I am pleased to note the progress made during the second substantive Preparatory Committee meeting in October 2008, and the commitment demonstrated to reach consensus.

67. Ensuring the holding of a successful Durban Review Conference is a priority for the Office. In accordance with decision PC.2/9 of the Preparatory Committee, my Office, in

collaboration with the Department of Public Information, has launched a dedicated Durban Review Conference website to highlight the objectives of the Review Conference and to keep all stakeholders of the Durban process updated. In a similar vein, OHCHR is producing regular Durban Review Conference updates containing an overview of progress in the preparations for the Conference. An E-bulletin with information of specific interest to civil society is also being produced regularly. Furthermore, in accordance with decision PC.3/103 of the Preparatory Committee, I am preparing a report for the Review Conference on the activities undertaken and further steps to be taken by my Office in the implementation of the Durban Declaration and Programme of Action and relevant decisions of the General Assembly and the Council (and formerly the Commission on Human Rights) adopted as a follow-up to the Durban World Conference of 2001.

68. I have highlighted my concerns with regard to the need to ensure broad participation in the activities related to the Review Conference. With this objective in mind, I have been meeting with various delegations and regional groups conveying the need to accommodate diversity of opinion and promoting participation. The Office has also engaged in an inter-agency cooperation exercise to encourage participation of the United Nations agencies in the Durban Review Conference preparatory process. On 21 October 2008, the Office held a first meeting with United Nations agencies and programmes (the United Nations Population Fund, ILO, the United Nations Educational, Scientific and Cultural Organization and the United Nations High Commissioner for Refugees) in Geneva, at which a framework of cooperation was agreed upon. Agencies based outside Geneva (the Pan American Health Organization, the United States Agency for International Development, the United Nations Office on Drugs and Crime, the United Nations Development Fund for Women, the Economic Commission for Latin America and the Caribbean and the United Nations Environment Programme), have since been integrated in the process. The agencies in question agreed to hold regular meetings, share updates on developments and participate in activities connected to the Review Conference. They expressed their intention to organize jointly side events before and/or during the Review Conference.

69. Within the limited resources available, the Office facilitated the participation of representatives of least developed countries, treaty bodies and special procedures in the regional preparatory meetings for Africa (in Abuja) and Latin America (in Brasilia). Limited financial contributions were also provided to representatives of national human rights institutions and non-governmental organizations to participate in regional preparatory meetings. Similarly, and with a view to support the constructive engagement of civil society in the Durban review process, the Office will provide travel support to some non-governmental organizations, national human rights institutions and delegates from least developed countries to facilitate their participation in the Review Conference, in April 2009.

70. Racism, racial discrimination, xenophobia and related intolerance are global problems which must be of concern to all. We owe a frank debate and concrete action to the victims of these scourges. The Durban Review Conference offers a timely opportunity to reaffirm the principles of non-discrimination and to build on the Durban Declaration and Programme of Action in order to ensure that implementation gaps are closed. It is imperative that all States participate and contribute to this crucial process in order to consolidate and improve the common ground on fundamental human rights issues.

VII. SUPPORT FOR HUMAN RIGHTS INSTRUMENTS

71. OHCHR has continued to support human rights treaty bodies in their quest for improvement and harmonization of their working methods so that the human rights treaty body system can provide the best possible framework for the promotion and protection of human rights for individuals and groups at the national level. In 2008, OHCHR supported all human rights treaty bodies, and began preparations for the first session of the Committee on the Rights of Persons with Disabilities, which will meet from 23 to 27 February 2009. OHCHR continued to advocate for universal ratification of all human rights treaties and substantive and procedural optional protocols thereto, focusing particularly on those treaties, such as the International Convention on the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, where ratification has been slow. OHCHR also strongly encouraged ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, which has yet to enter into force. With the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in December 2008, the Office will campaign energetically for its ratification to facilitate its early entry into force.

72. Treaty bodies have continued to develop procedures to enhance their accessibility to States parties, national human rights institutions, civil society and individuals. They have also focused on simplifying and streamlining their reporting requirements, with a number adopting their treaty-specific reporting guidelines, which complement the guidelines for the common-core document. The eighth inter-committee meeting set the deadline for the adoption of the remaining treaty-specific guidelines for late 2009.

73. Treaty bodies have sought to make their concluding observations more concrete and implementable at the national level, with most introducing follow-up procedures relating to reporting that aim to strengthen the dialogue and cooperation with the State party. The eighth inter-committee meeting recommended that a working group or task force on follow-up to concluding observations be established intersessionally, consisting of the rapporteur for follow-up on concluding observations of each treaty body, if applicable, or the members responsible for follow-up activities.

74. Furthermore, the four treaty bodies handling individual complaints procedures have emphasized the importance of follow-up to views to ensure both individual relief for petitioners and implementation of treaty provisions generally. Following the adoption of the first follow-up report on views by the Committee on the Elimination of All Forms of Discrimination against Women, all four treaty bodies now have largely similar follow-up procedures on decisions in individual cases. Numerous submissions continued to be submitted in 2008 by States parties providing relevant follow-up information on efforts made to give effect to the treaty bodies' decisions.

VIII. CONCLUSION

75. Adequate and effective answers to the human rights challenges outlined in the present report require a strong commitment by all stakeholders. The commitment made by all Member States at the 2005 World Summit to make human rights a third and equal United Nations pillar

alongside peace and security and development, and to provide the United Nations human rights machinery with additional resources and support should be renewed. The need for increased support for the promotion and protection of human rights has been heightened by the current food, energy and financial crises as well as the challenges of continuing conflicts and climate change. Human rights principles, such as accountability, non-discrimination, participation and empowerment, as well as the respect for international human rights standards and the rule of law, are an efficient way to address these challenges and to deliver on the promises made 60 years ago by the adoption of the Universal Declaration on Human Rights.
