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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**

Annual report of the United Nations High Commissioner for Human Rights

Summary

The present report provides an update on the key activities undertaken by the Office of the United Nations High Commissioner for Human Rights in 2011. It focuses on the implementation of the six thematic priorities established by the Office for the period 2010-13.

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I. Introduction

1. The period under review was an extraordinary year for human rights. Global financial and economic, climate, energy and food crises, famine in the Horn of Africa, armed conflict in Africa and the Middle East, resurgent racism and xenophobia and lingering poverty continued to challenge the international human rights movement. In the midst of failures of governance around the world in dealing with these challenges, civil society became mobilized, first in Tunisia, then across the Arab region, and ultimately in cities across the globe. My Office responded to these events with the full range of tools and resources available to us, as did the Human Rights Council, the special procedures and the treaty bodies that we support. Our mission in advancing freedom from fear and want has never been more relevant nor strained.

2. In 2011, I established a country office in Tunisia and human rights staff have been integrated into the United Nations Support Mission in Libya. As at December 2011, OHCHR had 58 field presences: 13 country/stand-alone offices, 15 human rights components of peace missions, 12 regional offices and 18 human rights advisers within United Nations country teams. These human rights presences are critical for providing national counterparts with direct and targeted assistance in addressing human rights issues.

3. I conducted missions, in chronological order, to Israel and the occupied Palestinian territory, the Russian Federation, Germany, Guinea, Senegal, the United Republic of Tanzania, Mauritania, Norway, Australia, Mexico, Tunisia, the Republic of Moldova, France, Maldives and Indonesia. The Deputy High Commissioner visited Nepal, the Sudan, Haiti, Lithuania, Chile, Paraguay, Uruguay, the United States of America, Ireland, the United Kingdom of Great Britain and Northern Ireland, Poland, Qatar and Mali. The Assistant Secretary-General for Human Rights visited Ethiopia, Côte d'Ivoire, Afghanistan, Iraq, Spain, Turkey and Canada.

4. The sharp increase in the tasks requested of my Office, including those arising from new, often unfunded mandates, the steadily expanding system of human rights treaty bodies, commissions of inquiry and requests from Member States for assistance have tested the limits of our resources. I am grateful to my staff for their hard work and professional dedication, and appeal to Member States to provide us with adequate resources to enable us to undertake effectively our ever-expanding work.

II. Thematic priorities

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

1. Strengthening human rights mechanisms

(a) *Human Rights Council*

5. The Human Rights Council responded to many human rights crises in 2011. It held four special sessions on the human rights situation in Libya and the Syrian Arab Republic. With the support of OHCHR, it established commissions of inquiry on Côte d'Ivoire, Libya and the Syrian Arab Republic to investigate violations of international law and to recommend actions.

6. Following the sixteenth special session, I set up a fact-finding mission on the Syrian Arab Republic, as requested by the Human Rights Council in its resolution S-16/1. The

mission was regrettably not granted access into the country. In June 2011, the Council adopted resolution 17/24, in which it requested OHCHR to monitor and report on the human rights situation in Belarus. Regrettably, I received no response to my request to send a mission for the purpose of fulfilling this mandate.

7. The Office has provided support to an increasing number of panel discussions of the Council (six for the eighteenth session) to address specific and emerging human rights issues, including the rights of victims of terrorism, the human rights aspects of terrorist hostage-taking, children working and/or living on the street, violence against women, integration of a gender perspective into the work of the Council, the right to adequate health of older persons, the role of international cooperation for the rights of persons with disabilities, languages and culture of indigenous peoples, best practices in the fight against racism, the human rights of people of African descent, the promotion of a culture of tolerance and peace, and the realization of the right to development.

8. Despite calls made during the Council review for a more rationalized programme of work and calendar of resolutions, the Council has continued to adopt record numbers of resolutions, bringing the total number in 2011 to 108, as against 80 in 2010. This has resulted in the increase of new mandates, including reports, panels and other activities. It is increasingly difficult for the Office to give them all the attention and dedication that they deserve.

(b) *Universal periodic review*

9. By the end of October 2011, all Member States had been reviewed, with a 100 per cent participation rate in the universal periodic review. The first cycle of the universal periodic review, which will be officially concluded in 2012, allowed us to take stock of the human rights situation in all Member States and provided a framework for each State to commit publicly to implementing universal periodic review recommendations.

10. Drawing on the resources of the Voluntary Fund for Participation in the Universal Periodic Review Mechanism, OHCHR convened 35 interregional, regional and national workshops to advise both States on the preparation of their national reports and stakeholders on their input to the review.

11. OHCHR has also provided assistance in follow-up to the universal periodic review recommendations in some 40 countries by means of, inter alia, the Universal Periodic Review Voluntary Fund for Financial and Technical Assistance. It organized or co-organized, with Regional Offices of the United Nations Development Programme (UNDP), the Commonwealth Secretariat and the International Organization of la Francophonie, regional, subregional or interregional meetings involving Members States, national human rights institutions and civil society actors in order to share information, experiences and good practices and to promote continued engagement in the process throughout the second cycle.

12. The modalities for the second cycle as adopted by the Council seek to strike a balance between reviewing the implementation of accepted recommendations and the consideration of new developments. Responsibility for implementation rests primarily with States, but other stakeholders have a role to play, and wide participation remains critical to ensure that the universal periodic review follow-up is integrated into national agendas.

(c) *Special procedures*

13. Supporting the work of the special procedures of the Human Rights Council remains a priority for my Office. The role of special procedures remains essential in providing the Council with timely and reliable information, including at its special sessions.

14. The Council strongly rejected any act of intimidation or reprisal against those who cooperate with the United Nations and its representatives in the field of human rights.

15. The Council established several new mandates: a new working group on transnational corporations and other business enterprises, a special rapporteur on the situation of human rights in the Islamic Republic of Iran, an independent expert on Côte d'Ivoire, a special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and an independent expert on the promotion of a democratic and equitable international order. At its eighteenth special session, the Human Rights Council also created a special rapporteur on the situation of human rights in the Syrian Arab Republic once the mandate of the commission of inquiry comes to an end. The mandate of the independent expert on the situation of human rights in Burundi came to an end. There are now 45 special procedures mandates (35 thematic and 10 geographically related), including six five-member working groups. The Council also expanded the scope of the mandate on toxic waste, to encompass the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste.

16. From January to November 2011, special procedures mandate holders conducted 75 country visits and issued 543 communications. More States extended standing invitations to special procedures, bringing the number of such invitations to 89 in November. However, approval by States of visits and responses to communications remain at around 35 per cent. The Council, in the review of its work and functioning, again called on States to cooperate effectively with the procedures and reaffirmed the principles of independence, integrity and expertise, which enable the mandate holders to fulfil their functions effectively.

17. My Office continued to strive for efficient use of resources in supporting these mechanisms and encouraged them to continue to improve the coordination and harmonization of working methods. Induction sessions for newly appointed mandate holders have become routine. A joint communications report is submitted to the Human Rights Council at each of its sessions.

(d) *Treaty bodies*

18. The Committee on Enforced Disappearances held its first session in November. The Committee on the Rights of Persons with Disabilities considered its first State party report, the initial report of Tunisia. In 2011, treaty bodies adopted some 120 concluding observations and 130 decisions on individual cases. As at November, there were 2,041 ratifications of human rights treaties. OHCHR continued to provide technical assistance upon the request of State parties on the reporting process, individual communications and follow-up.

19. OHCHR continued to facilitate dialogue among stakeholders, aimed at developing proposals for strengthening the treaty body system. Consultations took place among all the major stakeholders: treaty body experts, States, non-governmental organizations, national human rights institutions, academics and United Nations agencies. In November, a meeting in Dublin gathered the conveners of all the consultations and the chairpersons of treaty bodies. I intend to compile all proposals in a report to be issued in mid-2012. Key proposals relate to the further alignment of the working methods of the 10 treaty bodies. Others entail new approaches that will require joint endeavours to carry forward, taking into account the specificities and independence of the different treaty bodies. The implementation of these proposals will be mainly in the hands of treaty bodies and States parties. A cost evaluation of key proposals will be provided.

20. My Office maintains the Universal Human Rights Index (www.universalhumanrightsindex.org), the only electronic tool compiling recommendations from the treaty bodies, special procedures and the universal periodic

review. The webpage was recently upgraded and is now available in all official languages of the United Nations.

2. Progressive development of international human rights law

21. OHCHR continued to support the standard-setting activities of the United Nations human rights system.

22. OHCHR continued to draw attention to human rights violations, including violence and discrimination, perpetrated against individuals on the basis of their sexual orientation or gender identity. In this regard, the Human Rights Council requested the Office to commission a study on relevant discriminatory laws and practices and acts of violence.

23. The General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child, permitting the Committee on the Rights of the Child to receive individual communications. When article 14 of the International Convention on the Protection of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights come into force, all treaty bodies will be able to receive individual communications – a significant step forward in improving human rights protection. The Office is supporting developments in the General Assembly aimed at strengthening the human rights of older persons.

24. The Human Rights Committee adopted its general comment No. 34 on freedoms of opinion and expression, providing the most up-to-date understanding of these freedoms in the light of the Committee's considerable jurisprudence in this area.

25. OHCHR organized an expert meeting on the legal framework required to prohibit, prevent and respond to all forms of violence against children, and a consultation with stakeholders on children working or living on the street.

26. My Office provided support for the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises in the preparation of the Guiding Principles on Business and Human Rights, which were endorsed by the Human Rights Council in its resolution 17/4. We supported the launch of the Working Group on the issue of human rights and transnational corporations and other business enterprises. To support the effective implementation of the Guiding Principles, OHCHR produced an interpretive guide on the corporate responsibility to respect human rights. Jointly with the Global Compact Office, OHCHR produced a revised online learning tool on business and human rights and a guide for business enterprises on the development of corporate human rights policies.

27. OHCHR continued to support the intergovernmental Open-ended Working Group on the Right to Development, including through follow-up to the recommendations made at its twelfth session, held in November 2011.

28. The Office facilitated the initiative of the Human Rights Council to develop a United Nations Declaration on Human Rights Education and Training, and provided support for its open-ended working group.

29. OHCHR continued to strengthen cooperation with regional human rights organizations. We supported the development of human rights mechanisms for the Association of Southeast Asian Nations.

30. The Office advised the African Commission on Human and Peoples' Rights in the elaboration of its Principles and Guidelines on Economic, Social and Cultural Rights, which were adopted in October. In November, a regional workshop was organized with the Organization of American States, in particular the Inter-American Court of Human Rights, with a focus on the prevention of torture and the protection of its victims.

31. In November, in Serbia, OHCHR organized the first in a series of workshops on follow-up to the recommendations made by United Nations human rights mechanisms with the aim of contributing to the efficient engagement of national stakeholders with these mechanisms.

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

1. Racial discrimination

32. As part of the fight against all forms of discrimination, OHCHR continued to engage in activities aimed at the eradication of discriminatory legislation and practices, including with regard to indigenous peoples and Afro-descendants, and conducted initiatives to counter discrimination on various grounds, notably ethnicity.

33. In 2011, OHCHR organized four expert workshops on the prohibition of incitement to national, racial or religious hatred, which generated a wealth of information on various approaches taken to address this problem through legislation, jurisprudence and different types of national policies.

34. OHCHR marked the International Year for People of African Descent with the theme of “Recognition, justice and development”, which was launched by the Secretary-General on 10 December 2010. Activities included thematic panel discussions in the Human Rights Council and the Committee on the Elimination of Racial Discrimination, the commemoration of the International Day for the Elimination of Racial Discrimination and dedicated cultural events and exhibitions. A panel focusing on women of African descent was also organized in New York.

35. OHCHR also prepared an electronic “toolkit” to assist field presences working on issues relating to Afro-descendants. A new fellowship programme for Afro-descendants was launched for participants from Europe, the Americas and the Middle East, enabling 10 fellows to deepen their understanding of the United Nations human rights system. On 6 December 2011, members of the Working Group of Experts on People of African Descent and civil society participated in a ceremony, during which the Secretary-General closed the International Year for People of African Descent.

36. My Office continues to provide the Committee on the Elimination of Racial Discrimination and follow-up mechanisms to the Durban Declaration and Programme of Action with technical and substantive support. These mechanisms address key issues including intolerance, the role of education and sport in combating racism and racial discrimination, freedom of religion and belief, freedom of expression and opinion, and xenophobia. Pursuant to requests from the Human Rights Council and the General Assembly, OHCHR also organized high-level panel discussions on good practices against racism, the promotion of a culture of tolerance and peace, and the promotion and protection of human rights through tolerance and reconciliation.

37. For the past two years, my Office has assisted Member States in developing national plans of action against racism. In 2011, we provided support to Benin, Bolivia (Plurinational State of), Botswana, Burkina Faso, Costa Rica, the Niger, Nigeria and Uruguay. In addition, my Office organized a seminar in September on racial discrimination in Saint Petersburg, Russian Federation, for 10 countries of the Commonwealth of Independent States (CIS).

38. On 22 September 2011, the General Assembly held a high-level meeting to commemorate the tenth anniversary of the adoption of the Durban Declaration and

Programme of Action. A declaration, entitled “United against racism, racial discrimination, xenophobia and related intolerance”, was adopted by the Assembly by consensus,¹ in which States acknowledged that countless human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, and called upon all stakeholders to intensify their efforts to eliminate these scourges.

2. Indigenous and minority issues

39. My Office continued to promote the United Nations Declaration on the Rights of Indigenous Peoples and to support the work of the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples. OHCHR conducted its global indigenous fellowship programme for 26 fellows, and hosted a regional fellowship in Southern Africa and a national fellowship in the Russian Federation. The Office continued to manage the United Nations Voluntary Fund for Indigenous Populations.

40. The United Nations Indigenous Peoples Partnership was launched on 20 May 2011. OHCHR co-chairs the Board on behalf of participating United Nations organizations. In October 2011, the Partnership approved six country programmes (Bolivia (Plurinational State of), Cameroon, the Central African Republic, Congo, Nepal and Nicaragua) and a regional programme for South-east Asia.

41. We also promoted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other human rights standards relevant to minority issues, supported the annual session of the Forum on Minority Issues, and organized in May the fourth Expert Consultation on Effective Practices in Policing and Minority Communities, in Bangkok. A regional conference on minority participation was held in Kyrgyzstan in July.

42. My Office delivered training on minority rights for United Nations staff members in Asia and the Pacific, and its Minority Fellowship Programme brought nine English- and Arabic-speaking minority rights advocates to Geneva. OHCHR convened the seventh meeting of the Inter-Agency Group on Minorities. In December, OHCHR launched a report on access to justice for victims of caste-based discrimination in Nepal and conducted a consultation with United Nations country teams from the South Asia region on work- and descent-based discrimination.

3. Gender equality and women’s human rights

43. On 10 June, I opened the annual full-day discussion of the Human Rights Council on women’s rights and presented a summary report of an expert workshop that focused on identifying challenges, good practices and opportunities on the elimination of violence against women (A/HRC/17/22) and a report on good practices and remaining gaps in the prevention of violence against women (A/HRC/17/23).

44. My Office contributed to the strategic planning process of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and prepared a joint work plan for submission to the Commission on the Status of Women and the Human Rights Council at its nineteenth session. In September, I submitted a report to the Council on effective practices in adopting a human rights-based approach to eliminate preventable maternal mortality and morbidity (A/HRC/18/27).

45. In September, OHCHR adopted its Gender Equality Policy and is currently developing a gender equality strategic plan. To implement the policy and strategy,

¹ General Assembly resolution 66/3.

OHCHR, with the support of United Nations training entities, have embarked on a training programme for all staff members. OHCHR also actively participated in the consultation with United Nations entities on the system-wide plan of action on gender equality and women's empowerment facilitated by UN-Women.

46. Following the report of the high-level panel on remedies and reparations for victims of sexual violence in the Democratic Republic of the Congo, my Office and UN-Women embarked on a joint provincial-level project to strengthen reparations programmes and initiatives for victims of sexual violence, which focuses on accountability and access to justice and the social dimension underlying the causes of sexual violence.

47. OHCHR, in collaboration with the Office of the Special Representative of the Secretary-General on Sexual Violence and United Nations Action against Sexual Violence, provided United Nations peace missions and country teams with operational guidance and support for the implementation of Security Council resolutions on women, peace and security (1325 (2000), 1820 (2008), 1888 (2009) and 1960 (2010)) with a view to strengthening responses, ensuring consistent and effective information-gathering and investigations, fighting impunity and promoting access to justice for victims. To this end, the Office also continued to provide the team of experts on the rule of law with support, pursuant to Security Council resolution 1888 (2009).

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

48. As at the end of November, 106 States were parties to the Convention on the Rights of Persons with Disabilities, and 63 States had ratified the Optional Protocol thereto. OHCHR increased its support for the Committee, which has begun considering the reports of States parties and processing individual communications submitted under the Optional Protocol.

49. In addition, OHCHR continued to develop and disseminate tools and knowledge about the Committee, advocates for disability rights, and supports OHCHR and United Nations field presences, which are actively involved in supporting the Committee by advocating for ratification, supporting treaty body reporting, collecting and analysing data on disability rights, and supporting civil society organizations and law reform efforts.

50. OHCHR was one of the main actors developing the multi-donor trust fund on the Committee, launched in December. The aim of the fund is to sponsor projects strengthening national capacity for the implementation of the Convention on the Rights of Persons with Disabilities. OHCHR continues to co-chair the Inter-Agency Support Group on the Convention and is involved in the Bureau of the Conference of States parties.

51. At my initiative, an inter-departmental task force on accessibility was established to ensure the participation of persons with disabilities in the work of the United Nations, including delegates, staff members and visitors.

52. OHCHR supported the open-ended working group created by the General Assembly in its resolution 65/182, the purpose of which is to strengthen the protection of the human rights of older persons, jointly with the Department of Economic and Social Affairs.

53. OHCHR was involved in the General Assembly high-level meeting marking 30 years since the beginning of the HIV/AIDS epidemic. The Assembly adopted a new declaration on HIV/AIDS aimed at guiding the global response to the epidemic and emphasizing the importance of advancing human rights in order to reverse and eliminate it.

54. OHCHR also supported the work of the Global Commission on HIV and the Law, which examines the links between legal responses, human rights and HIV. The Commission's recommendations will be finalized in 2012 and should inform future national

responses to the epidemic. Other key activities include the provision of technical assistance in the review of HIV legislation, co-sponsoring the West and Central African regional meeting of ministers for justice and judges, which led to the adoption of a statement of commitment on HIV and the law, and the organization of campaigns to raise awareness and address HIV-related stigma and discrimination.

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

1. Right to development

55. “Development is a human right for all without discrimination” was the main theme of the global commemoration in 2011 of the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development. My Office completed a far-reaching programme of activities in 2011 in this context. Landmark statements were adopted by bodies across the United Nations system, and new civil society partners mobilized in support for the right to development.

56. The anniversary events concluded with a call for a resolute transition from theory to action, and highlighted the persistent challenges to the meaningful realization of the right to development, on which there is a need to find principled common ground. We must also work to enlarge the organized constituency in support of the right to development within civil society, and to promote mainstreaming and human rights-based policy coherence in the global partnership for development.

2. Human rights and development

57. My Office has stepped up its engagement with United Nations, national and civil society partners in order to strengthen accountability for realizing the Millennium Development Goals and ensure that human rights are central to the post-2015 development agenda.

58. OHCHR continued to support the Resident Coordinator system, including through the provision of advice to United Nations country teams, to further mainstream human rights and assist follow-up to the recommendations stemming from the universal periodic review and other human rights mechanisms. OHCHR also coordinated the work of a human rights mainstreaming mechanism. Many agencies are actively collaborating under this mechanism to further institutionalize mainstreaming efforts in the United Nations operational activities for development, and enhance more systematic engagement with its human rights mechanisms. There is a strong commitment among the United Nations leadership – at Headquarters and in countries – to ensure that a human rights-based approach is a key guiding principle of United Nations programming.

3. Poverty

59. Combating poverty and protecting and promoting human rights remain important priorities for OHCHR. Pursuant to Human Rights Council resolution 15/19, my Office carried out extensive consultations on the progress report on draft guiding principles on extreme poverty and human rights of the Special Rapporteur on the question of extreme poverty and human rights (A/HRC/15/41). An analytical compilation of the submissions received will be presented to the Council and should guide the Special Rapporteur in concluding her work. My Office has continued to support Member States in developing human rights indicators using OHCHR methodology and in integrating human rights into national development planning and budget processes in such countries as Ecuador, Kenya,

Liberia and Mexico. Finally, a growing number of Government agencies and national human rights institutions, including in Bolivia (Plurinational State of), Kenya, Kosovo (Serbia) and Nepal, have worked on developing the use of human rights indicators.

4. Economic, social and cultural rights

60. OHCHR has pursued the promotion of economic, social and cultural rights and has continued to strengthen its capacity to contribute to the protection and monitoring of these rights at the national and international levels, including through cooperation with United Nations system partners. OHCHR has developed tools and training materials, and trained its staff on strategies and skills to monitor implementation of these rights. OHCHR provided technical assistance and support to Governments, parliaments, country teams and civil society on the rights to adequate housing, adequate food, and health, and on the legal and judicial protection of economic, social and cultural rights. OHCHR supported the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in Argentina, Bolivia (Plurinational State of), Cape Verde, Costa Rica and El Salvador. Further, in collaboration with civil society partners, OHCHR organized a consultation on women and economic, social and cultural rights, focusing on the main challenges to the equal enjoyment of these rights by women.

61. The Office developed a forced eviction assessment questionnaire and, jointly with UN-Habitat, published a report on assessing the impact of evictions. OHCHR also produced materials, including a training module on economic, social and cultural rights for judiciary schools in Western Africa, a user's guide on indicators to monitor economic, social and cultural rights in Nepal, publications on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and on indicators on the right to health in Mexico.

62. OHCHR produced reports on the enjoyment of economic, social and cultural rights in all countries, maternal mortality, the use of indicators for economic, social and cultural rights, and cultural diversity and human rights.

5. Human rights and the economic, food and climate crises

63. With regard to the global food crisis, OHCHR participated in the High-level Task Force on the Global Food Security Crisis and contributed to common advocacy in key international conferences and policy debates on food and nutrition security. OHCHR provided technical assistance for the development of the voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security in order to ensure consistency of the guidelines with international human rights law.

64. On the margins of the eighteenth session of the Human Rights Council, OHCHR organized a side-event entitled "The crisis in the Horn of Africa: promoting a human rights-based approach", which event sought to provide a human rights analysis of the crisis and, on that basis, to promote an emergency response and medium- and long-term strategies anchored in human rights.

65. The importance of considering the human rights implications of climate change-related effects and the need to consider human rights in the formulation of environmental policies was emphasized by OHCHR in a number of public statements, including during side events to Council sessions.

D. Human rights in the context of migration

66. My Office has significantly stepped up its efforts in advocating for a human rights approach to migration. This builds on recent progress made, including during the chairing by OHCHR of the Global Migration Group, from July to December 2010. My Office remained an active member of the Group in 2011, and sought to highlight the human rights approach to migration in all Group statements and activities.

67. In September, the Committee on Migrant Workers held a day of general discussion on the human rights of migrant workers in an irregular situation and members of their families as the first phase in elaborating a general comment. It focused on an analysis of international treaty norms for the protection of the rights of irregular migrants, their practical application, international cooperation in protecting those rights and the criminalization and detention of irregular migrants. We concluded with the Ministry of Labour of Lebanon and the International Labour Organization (ILO) a unified contract for all migrant domestic workers employed in Lebanon. The document is in use, but the impact on the life of migrant workers is yet to be assessed.

68. The issue of criminalization of irregular migration and immigration detention also continued to be a focus of our work. A two-day global round table on alternatives to the detention of migrants, refugees, asylum-seekers and stateless persons was organized by OHCHR in partnership with the Office of the United Nations High Commissioner for Refugees (UNHCR) and attended by representatives of interested stakeholders in May. One conclusion was that there is no empirical evidence that immigration detention deters irregular migration, and that States should put in place effective alternatives to such detention. OHCHR also intervened as *amicus curiae* in the case of *Hirsi and others* before the European Court of Human Rights, arguing that the prohibition of collective expulsion also applies where migrants are intercepted on the high seas before they reach territorial waters.

69. In May, OHCHR organized a panel discussion in New York on the issue of migration, racism and discrimination, to examine the persistence of anti-migrant sentiments and discriminatory practices.

70. In 2011, OHCHR provided training on migration and human rights issues, including to partner agencies of the Global Migration Group, such as ILO and the International Organization for Migration (IOM). A set of training modules was tested in a pilot workshop organized by the Diplomacy Training Programme and Migrant Forum in Asia in collaboration with OHCHR, which brought together 25 participants from non-governmental organizations and national human rights institutions in the Asia-Pacific and Middle East regions.

71. I continued to call for increased ratification and the effective implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and for States to ratify all other core international human rights instruments in order to protect and promote the human rights of all migrants. In September, in response to a request by the Human Rights Council, OHCHR presented a report on the situation of migrants and asylum-seekers fleeing recent events in North Africa (A/HRC/18/54), describing the human rights implications and concerns of the cross-border movement of migrants and asylum-seekers in this region between January and August 2011.

72. OHCHR organized a judicial colloquium on the implementation of article 3 (best interest of the child) of the Convention on the Rights of the Child in Europe with regard to the situation of migrant children, including unaccompanied and separated children. In February, OHCHR participated in the seminar on the human rights of migrant populations,

organized by the Regional Conference on Migration in Tegucigalpa. In June, the Office organized a round table on human rights and human smuggling in collaboration with the Global Alliance against Traffic in Women. Through the West Africa Regional Group on protection in mixed migration, OHCHR, with IOM and UNHCR, facilitated presentations and trainings on migration and human rights in this context.

73. My Office also continued to work on the human rights issue of trafficking in persons. As Chair of the Inter-agency Coordination Group against Trafficking in Persons, OHCHR organized a side event during the seventeenth session of the Human Rights Council to highlight the role of the United Nations in protecting victims of trafficking. The Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking was launched by OHCHR in the Republic of Moldova in November and in the United Arab Emirates in December. Capacity-building activities on the rights-based approach to combatting trafficking were undertaken in Belarus and the United Arab Emirates for law enforcement officials from CIS countries and the Middle East and North Africa region respectively. OHCHR participated in the first Gulf Forum for Combatting Human Trafficking, held in the United Arab Emirates, where the human rights-based approach was presented and adopted by the Forum as the methodology to address trafficking in persons. A regional consultative meeting on combating human trafficking was organized in Qatar in cooperation between OHCHR and the Qatar Foundation for Combating Human Trafficking, which aimed to further the implementation of the Arab Initiative to build national capacities to combat human trafficking.

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

74. In addition to the above-mentioned international commissions of inquiry and fact-finding missions mandated by the Human Rights Council-, OHCHR provided a broad range of countries with technical advice on the establishment of national commissions of inquiry. As part of its work on the protection of victims and witnesses, OHCHR supported national authorities in Kosovo,² Nepal and Uganda in developing victim and witness protection programmes. OHCHR also supported the organization of a judicial colloquium on victim and witness protection and the administration of justice in Uganda, and organized a seminar on the draft law on witness and victim protection in Argentina. An expert meeting on gender aspects of victim and witness protection programmes was held in Geneva.

75. OHCHR continued its sustained engagement in transitional justice processes and mechanisms at the national level. This included working towards the establishment of transitional justice mechanisms in Burundi; conducting an induction workshop for the dialogue, truth and reconciliation commission in Côte d'Ivoire; supporting the Togo truth, justice and reconciliation commission; assisting national authorities and civil society on transitional justice initiatives in Nepal; supporting efforts to establish a reparations programme in Timor-Leste; providing advice on the Law on Victims and Restitution of Land in Colombia; and assisting in the vetting of the national police in Haiti. OHCHR also participated in workshops on transitional justice in the Middle East and North Africa region, and provided advice on related issues in Tunisia and Libya. OHCHR also organized an expert workshop entitled "A human rights-compliant framework for vetting of members of the security and justice sectors". My Office and the Economic Community of West African States also organized a Conference on Impunity, Justice and Human Rights

² Reference to Kosovo should be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

bringing together Ministers of Justice, Chief Justices and civil society representatives from the region.

76. OHCHR continued to explore other areas of transitional justice, including by developing a special issues paper on transitional justice and economic, social and cultural rights; conducting a study on reparations for conflict-related sexual violence; examining the linkages between transitional justice and disarmament, demobilization and reintegration; and holding a seminar on archives as a means to guarantee the right to the truth. In an amicus curiae intervention in the case of El-Masri, my Office also urged the European Court of Human Rights to recognize the right to truth as being inherent to the European Convention on Human Rights.

77. OHCHR continued to monitor the use of the death penalty, and supported and participated in initiatives aimed at the abolition of the death penalty.

78. OHCHR and the Department of Peacekeeping Operations jointly completed and launched the United Nations Rule of Law Indicators Project. The indicators measure the performance, integrity, transparency, accountability and capacity of criminal justice institutions and have already been implemented in Haiti and Liberia.

79. As lead of the Working Group on protecting human rights while countering terrorism of the Counter-Terrorism Implementation Task Force, OHCHR organized a regional symposium in South-East Asia with a focus on fair trial and due process in the counter-terrorism context. OHCHR also addressed participants at the special meeting of the Counter-Terrorism Committee commemorating the adoption of Security Council resolution 1373 (2001) and the establishment of the Committee, and contributed to two panel discussions held by the Human Rights Council on the human rights dimensions of terrorism.

80. OHCHR was involved in the development of United Nations-coordinated policy on electoral assistance and the elaboration of a strategic approach to issues such as unconstitutional changes of Governments. In cooperation with the Department of Political Affairs and International IDEA, OHCHR organized a round table on democracy and human rights. It also continued to provide support and advice on the integration of international norms into electoral laws; national and regional consultations on human rights and elections; and constitutional building processes (Libya and Somalia).

81. OHCHR implemented human rights education and training programmes, and developed related tools and provided Governments, institutions and civil society with assistance. My Office also promoted human rights education through information-sharing and networking tools such as the OHCHR Resource Collection and Database on Human Rights Education and Training. In March, *Evaluating Human Rights Training Activities: A Handbook for Human Rights Educators* was issued. Through the Assisting Communities Together project, OHCHR is supporting 28 civil society organizations in 13 countries by carrying out human rights education activities in local communities.

82. Within the framework of the second phase of the World Programme for Human Rights Education (2010-2014), OHCHR is supporting the national implementation of the plan of action. Other strategies to increase awareness and encourage implementation of the Programme are being implemented jointly with the United Nations Educational, Scientific and Cultural Organization.

83. My Office continued its work to support the establishment or reform of professional, human rights-compliant and accountable security agencies, armed forces, police and law enforcement agencies. In the framework of the inter-agency security sector reform task force, OHCHR integrated human rights technical guidance notes on reform and peace processes, democratic governance of the security sector, national security policies and

strategies, and on gender-responsive reforms. These tools will ensure that activities in this are grounded in international human rights law and they contribute to the Office's work on security sector actors.

84. My Office continued to devote much effort to developing methodologies to document and report on human rights violations, including with regard to sexual violence, and strengthening these skills of both OHCHR staff and national human rights actors. The OHCHR Manual on Human Rights Monitoring is being revised, and eight new chapters, including on analysis, information-gathering and protection of witnesses, victims and sources, are being published. Numerous courses on human rights monitoring, fact-finding and investigations were conducted for United Nations staff members and external partners, including one in the Gambia for staff of the African Commission on Human and Peoples Rights.

85. The support provided by my Office to international commissions of inquiry and fact-finding missions included analysing their experience and managing lessons learned processes, and updating methodologies and procedures. Rigorous methodologies for such mechanisms provide a solid basis of information and analysis to inform action by the international community, and support national justice, truth, peace and reconciliation processes.

86. In November, in the context of a Security Council workshop on accountability, OHCHR addressed United Nations practices in the establishment of commissions of inquiry and fact-finding mechanisms, underlining challenges, lessons learned as well as opportunities for greater action by the Council. OHCHR is currently reviewing its experience in this area with a view to contributing to the ongoing review of practices on commissions of inquiry.

87. OHCHR also supported the establishment and strengthening of national human rights institutions in more than 40 countries. In March, in Trinidad and Tobago, OHCHR and the Commonwealth Secretariat conducted a workshop aimed at developing institutions in Caribbean States. In October, in Tajikistan, OHCHR, together with UNDP and the Organization for Security and Cooperation in Europe organized a regional workshop for human rights institutions with a focus on the Paris Principles.

F. Protecting human rights in situations of violence and insecurity

1. Human rights, peace and security

88. I welcome the determination of the Human Rights Council to take action in the face of violent crises, as demonstrated by the special sessions held in 2011, the stronger resolutions adopted and the establishment of commissions of inquiry. The Security Council also paid greater attention to human rights issues in its thematic and country resolutions. These important steps need to be well coordinated, and they provide an opening for OHCHR to carry out its work. To ensure greater effectiveness, such steps should include considerations for the protection of civilians – a colossal challenge for the international community.

89. OHCHR endeavoured to respond more promptly to emerging crises in States, notwithstanding the challenges, including security conditions, the will of the relevant authorities, whether a human rights presence or Council mandate was present and adequate financial resources.

90. In February and March, I sent missions to Tunisia and Egypt respectively, to discuss human rights challenges with national and international counterparts, as well as possible avenues for cooperation during the transition. In June and July, OHCHR conducted a

human rights assessment mission to Yemen, and in November and December, an OHCHR team was sent to Yemen. In August, I sent a team to the Sudan and South Sudan to assess the facts and circumstances around the events in Abyei in April and to explore possibilities for human rights monitoring, in accordance with Security Council resolution 1990 (2011) establishing the United Nations Interim Security Force for Abyei. Regrettably, access to Abyei has not yet been possible.

91. In this connection, access to situations of protracted conflicts is important and there is a need to pay more attention to such situations. The mandate of the High Commissioner is to promote and protect the human rights of all, everywhere, including in territories controlled by de facto authorities.

92. Monitoring and reporting are essential, as factual and objective information is critical for dialogue, advocacy, protection and adequate assistance. In Afghanistan, OHCHR and the United Nations Assistance Mission in Afghanistan publish two reports a year on the protection of civilians in armed conflict, documenting figures on civilian casualties relating to the conflict and making recommendations to anti-Government and pro-Government forces alike. OHCHR believes that this reporting on civilian casualties has contributed to strengthening accountability and the respect for international humanitarian law. For instance, the proportion of civilian casualties caused by pro-Government forces declined owing to the improved safeguards they have adopted as a result of the recommendations made in the report and subsequent advocacy.

93. In an effort to strengthen human rights further in the United Nations peace and security agenda, OHCHR led the development of a policy on Human Rights in United Nations peace operations and political missions, which was jointly endorsed in September by OHCHR, the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Field Support. This landmark document captures current policy, institutional arrangements and good practices in the integration of human rights into peace operations in a single, binding document, and provides further operational guidance for its implementation. It will contribute to the effective delivery of human rights mandates and more coherent approaches to human rights across peace operations.

94. OHCHR efforts to enhance the implementation of Security Council mandates for the protection of civilians continued throughout 2011. I addressed the Council in May and November, emphasizing the importance of including robust language on human rights protection and promotion in its mandates and ensuring sustained attention to accountability issues. My Office also worked closely with the Department of Peacekeeping Operations on a number of initiatives, including a training package for peacekeeping personnel on the protection of civilians, a review of how protection of civilians is integrated into planning processes, and an assessment of the resources and capabilities needed for the effective implementation of mandates for the protection of civilians.

95. My Office also took a leading role in the human rights due diligence policy on United Nations support for non-United Nations security forces. This policy was endorsed by the Secretary-General in July, following an inter-agency effort co-led by OHCHR and the Department of Peacekeeping Operations. It reiterates the Organization's commitment to ensure that support provided to non-United Nations security forces is based on respect for human rights and international humanitarian law, and provides operational guidance in this respect.

96. To curb crime and violence, OHCHR advocated for a comprehensive approach that looks at the root causes of crime and violence, highlighting that crime prevention, including through socio-economic measures to improve livelihood opportunities and attention to victims and groups at risk, are as important as control and sanction. A rights-based approach to public security also requires that particular attention be paid to victims' rights

and States' obligations to guarantee and protect those rights. Several United Nations human rights mechanisms have addressed the issue and provided clear guidance on specific areas, including preventive actions, juvenile justice, attention to victims (in particular victims of gender-based violence), anti-drug policies, firearms and munitions control, use of private security companies and the role of the military in law enforcement.

97. In Central and South America, OHCHR advised States on proposed legislation on crimes and building their capacity to deal with rampant impunity and to abide by their international human rights obligations, and advocated for the need to address the root causes of violence and crime. Over the past two years, OHCHR partnered the Inter-American Commission on Human Rights and UNICEF in the production of a groundbreaking report on security, which analyses the issue from a human rights perspective, and makes recommendations to States on how to improve institutions, laws, policies, programmes and practices in the prevention and control of crime and violence. This publication has raised awareness about the need to ensure a different, more comprehensive approach to crime and violence, and to present human rights counter-arguments to hard-line policies. A second joint report, addressing juvenile justice issues, was published in September 2011.

2. Humanitarian activities

98. OHCHR affirmed its role as the lead human rights actor in humanitarian action, mainstreaming human rights considerations and advocating for human rights in humanitarian planning, preparedness, response and recovery. OHCHR increased its engagement in humanitarian planning and funding processes by contributing to human rights analysis, mainstreaming human rights concerns and considerations, and integrating human rights in a number of consolidated and/or flash appeals, including those for the Central African Republic, Chad, Haiti, Kyrgyzstan, Nepal, the occupied Palestinian territory and Uganda.

99. OHCHR works closely with humanitarian partners on policy, operational guidance development and training issues. OHCHR continued its participation in the Inter-Agency Standing Committee and sub-working groups or task forces, including on leadership and coordination, and contributed to the integration of human rights into guidance materials and learning activities for humanitarian coordinators and other partners on emergency preparedness and response. OHCHR is a core member of the Global Protection Cluster working group and its task forces on, inter alia, natural disasters and learning.

100. In 2011, OHCHR led protection clusters in Haiti, Kyrgyzstan, Nepal, the occupied Palestinian territory, Timor-Leste and the Pacific region, and played a key supporting role in other countries, such as Iraq. OHCHR embarked upon innovative joint efforts and developed tools to integrate human rights in other sectors of humanitarian programming.

101. To further enhance the expertise and capacity of OHCHR staff to work in humanitarian settings, OHCHR developed a core training course on human rights and humanitarian action, which is held on an annual basis. In May, with a view to making OHCHR a more effective actor in humanitarian preparedness and response efforts, I endorsed an Office-wide strategy and a 4-year plan of action for OHCHR engagement in humanitarian activities. Continued cooperation on early warning systems with humanitarian partners resulted in human rights being mainstreamed and taken into account in all emerging crises in 2011.

III. Conclusions

102. While OHCHR is committed to respond to situations where human rights are most at risk, solid political support and adequate resources are a prerequisite for its meaningfully engagement.

103. I welcome the increasing number of cross-regional initiatives undertaken by the Human Rights Council, including the establishment of new mandates, which indicate the Council's determination to address multiple human rights issues and challenges. However, this carries significant resource implications.

104. With regard to the efforts to strengthen the treaty body system, I take note with great satisfaction of the many varied proposals made through the nine consultations held since 2009 between different actors, including States parties to international human rights treaties, treaty body experts, United Nations entities and specialized agencies, national human rights institutions and civil society, including academia. Treaty body outputs provide valuable advice for Member States and advocacy tools for national institutions and non-governmental organizations, contribute to better integrating human rights considerations into the work of relevant United Nations agencies and programmes, and provide the universal periodic review mechanism with the building blocks necessary to ensure that the peer review is based on objective technical grounds. Efforts currently under way to strengthen the treaty body system are crucial, but they will not replace the pressing need for the human and financial resources that are essential to a well-functioning and credible treaty body system.

105. In 2011, the promise of the Universal Declaration of Human Rights was brought to the forefront by civil society in cities from Tunis to New York. The myriad global crises confronting Governments and international institutions call for human rights-based governance at the national and international levels. Responding effectively to these calls will be our collective mission for 2012, and beyond.
