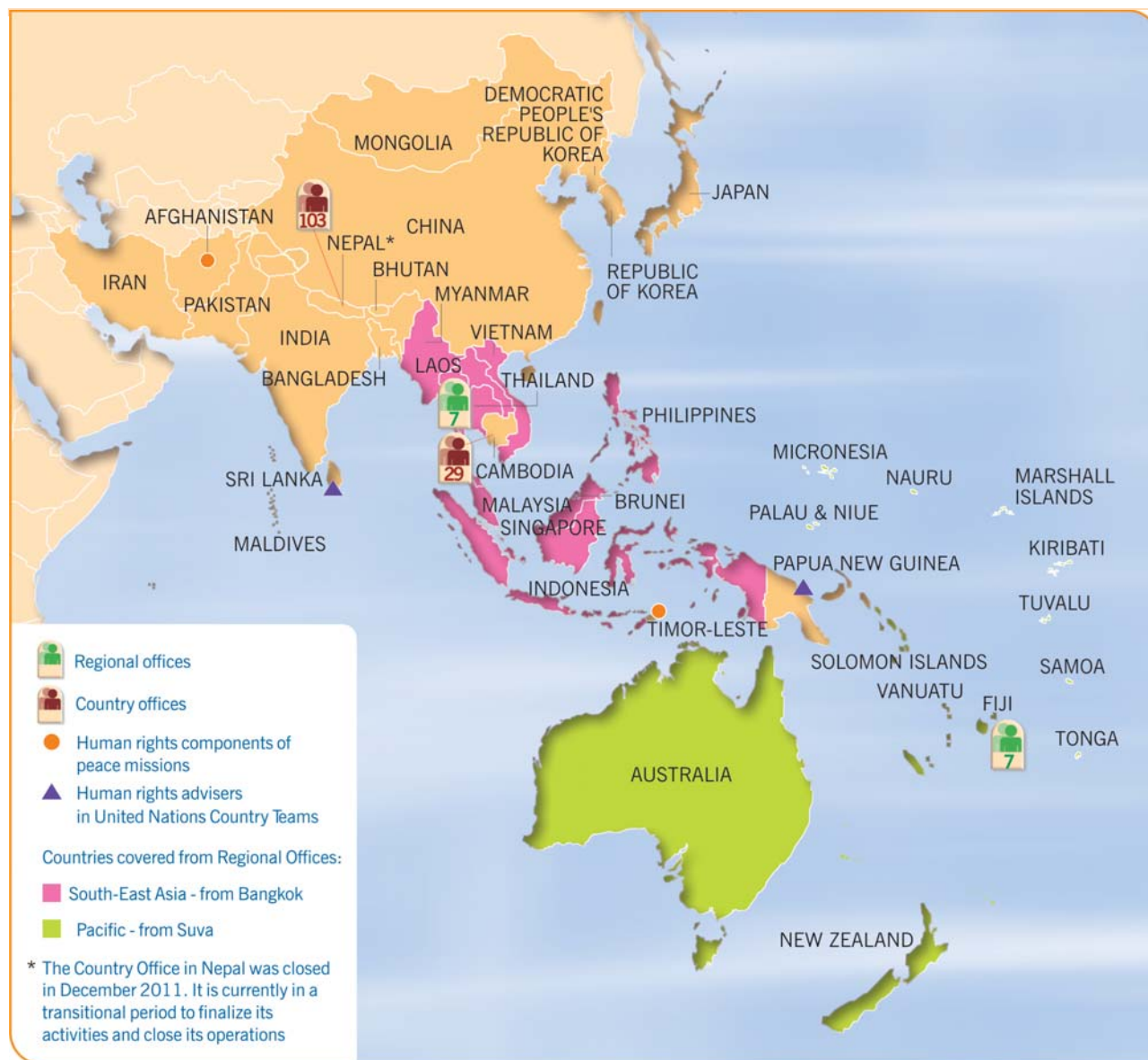


# OHCHR in the field: Asia and the Pacific



Type of presence	Location
Country offices	<ul style="list-style-type: none"> <li>• Cambodia</li> <li>• Nepal</li> </ul>
Regional offices	<ul style="list-style-type: none"> <li>• South-East Asia (Bangkok, Thailand)</li> <li>• Pacific (Suva, Fiji)</li> </ul>
Human rights components of United Nations peace missions	<ul style="list-style-type: none"> <li>• Afghanistan</li> <li>• Timor-Leste</li> </ul>
Human rights advisers to United Nations Country Teams	<ul style="list-style-type: none"> <li>• Papua New Guinea</li> <li>• Sri Lanka</li> </ul>

In 2011, OHCHR maintained eight field presences in Asia and the Pacific, including: two regional offices (Bangkok, Suva), two components in peace missions (Afghanistan, Timor-Leste), two country offices (Nepal, Cambodia) and two human rights advisers (Papua New Guinea and Sri Lanka). The mandate in Nepal was ended by the Government in December 2011.

Apart from some ongoing long-standing conflicts, most parts of the region witnessed a trend towards democratization and consolidation of post-conflict transitions, although impunity continued to be

problematic in several countries. In other parts of the region, enjoyment of freedoms of expression, assembly and association and land rights-related issues remained challenging.

Throughout 2011, much attention was paid to accountability issues in several countries, in particular Afghanistan, Cambodia, Nepal, Sri Lanka and Timor-Leste. Discrimination was another thematic focus with important work undertaken by several OHCHR field presences on women and caste as well as persons with disabilities. The Human Rights Office of the United Nations Assistance Mission in Afghanistan (UNAMA) maintained its focus on the protection of civilians, while the Human Rights Component of the UN peace mission in Timor-Leste assisted in capacity-building for security forces with a view to strengthening accountability. Several field presences, including both regional offices, worked on combating torture and ill-treatment while initiatives in Afghanistan, Nepal, the Pacific, Papua New Guinea and Timor-Leste aimed at reducing violence against women. In terms of economic, social and cultural rights, OHCHR sought to address land-related issues in Cambodia, Nepal, the Pacific, Papua New Guinea and Timor-Leste.

At the regional level, the first regional human rights mechanisms have emerged in the context of the Association of Southeast Asian Nations (ASEAN). In parallel, discussions about developing a human rights agenda have begun in the South Asian Association for Regional Cooperation (SAARC) and the Pacific Islands Forum Secretariat (PIFS).

The rate of ratifications of international treaties in the region is slowly improving, thanks partly to the impetus created by the UPR. Overall, the UPR has proven to be a useful tool, especially for the two regional offices in South-East Asia and the Pacific. Engagement with special procedures was inconsistent but increasing, with some countries receiving their first or multiple visits and several issuing new standing invitations. The year 2011 saw the creation by the Human Rights Council of a new special procedures mandate on Iran.

## Country Offices

### Cambodia

Year established	1993
Staff as of 31 December 2011	29
Expenditure in 2011	US\$2,246,971

### Background

The Kingdom of Cambodia remains one of the poorest countries in Asia, despite impressive economic growth and the significant international support it has received over the past decade. In 2011, the country suffered devastating flooding which resulted in hundreds of deaths, damage to infrastructure and a reduced harvest of cash crops. Domestically, rapid economic development continued to be accompanied by widespread disputes relating to land in urban and rural Cambodia. Forced evictions have at times resulted in violence and the use of criminal law against those protesting the loss of their houses and land. Criminal sanctions relating to freedom of expression continued during 2011 and a number of human rights defenders were jailed on charges of incitement to social disorder. Adoption of a controversial law on non-governmental organizations (NGOs) was postponed by the Government following the expression of widespread concerns. The country's impressive human rights treaty ratification record also continued with the coming into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW) in January 2011 and the Government's successful engagement in dialogue with the human rights treaty bodies on a number of periodic reports. Despite a number of challenges, the Extraordinary Chambers in the Courts of Cambodia (ECCC) was able to commence its second and largest trial late in 2011. In January 2012, the Government and OHCHR agreed to extend the mandate of OHCHR's Country Office for an additional two-year period.

In responding to the contemporary human rights challenges in Cambodia, OHCHR continued to focus on prisons, the judiciary and police, land disputes and housing rights, freedoms of association, assembly and expression and supporting and protecting human rights defenders. It promoted the legacy of the ECCC, supported the Government in drafting legislation, treaty body reporting and follow-up to recommendations issued by the UN human rights mechanisms, while advocating and disseminating human rights information. In doing so, the Office has been able to work closely with line



© OHCHR/Cambodia

Human Rights Day in Cambodia.

Ministries, the (governmental) Cambodian Human Rights Committee, the United Nations Country Team (UNCT), civil society and donors.

## Results

### National laws, policies and institutions (EA 1)

- ▶ The Law on Prisons was adopted in December 2011. While it did not include all comments made by OHCHR to make it compliant with international human rights law, it is nevertheless an improvement on the previous legal framework. Many provisions in the Law are now clearer and more progressive. In particular, it includes: a strong emphasis on rehabilitation; the requirement for separation of the different categories of prisoners; greater attention paid to the needs of women and children; the inclusion of minimum design standards for prison construction to ensure basic conditions; an absolute prohibition against torture and other cruel, inhuman and degrading treatment and punishment; additional safeguards against arbitrary detention; and clear reference to the broader Cambodian legal framework. Nevertheless, the Law could have gone further to guarantee the rights of persons in detention and OHCHR will continue to raise these concerns as the secondary legislation and administrative procedures are developed to implement the Law.
- ▶ Efforts undertaken by the Office to enhance the effectiveness of Cambodian courts has largely remained at the level of awareness-raising and resulted in limited changes to the process of the administration of justice over a 12-month period. Engagement with the Prosecutor General of the

Court of Appeal was positive with the latter showing strong support for human rights principles in his meetings with police and prosecutors in provincial courts, including by publicly asserting the need to comply with human rights principles in the administration of justice. Although the independence and impartiality of the courts is guaranteed under the Cambodian Constitution, there is still no proper procedure to safeguard this right or formal process through which judges who are reprimanded by Government authorities can appeal such determinations.

- ▶ In 2011, the Cambodian Government issued its third and fourth iterations of the draft law on associations and non-governmental organizations. Despite maintaining the position that an NGO law was unnecessary, OHCHR-Cambodia provided its comments on successive drafts to the Ministries of Interior and of Foreign Affairs to ensure that human rights were respected. These comments focused on strengthening the human rights protections contained in the drafts and limiting the negative impact of the law on freedoms of expression, association and assembly. In addition to assisting the Government, the Office stressed the importance of ensuring a wide and meaningful consultation with civil society actors prior to the law's enactment. The Government convened various consultations on the successive drafts to supplement meetings organized by civil society actors. Further consultations with civil society are planned for 2012; a welcome sign of the Government's willingness to take into account civil society's concerns.

**Ratification (EA 2)**

- ▶ According to the Government, ratification of the Convention on the Rights of Persons with Disabilities is imminent and should take place in early 2012. OHCHR has consistently advocated for this ratification.

**Justice and accountability mechanisms (EA 3)**

- ▶ The ECCC continued to provide an important example of fair trial rights in action during 2011 by opening proceedings on 17 July of the case of the *Prosecutor v Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith*. (The accused Ieng Thirith was subsequently declared unfit to stand trial in November). The high profile of the ECCC's proceedings provides an important avenue for public discussion about the proper administration of justice in Cambodia. OHCHR engaged in a number of activities aimed at maximizing the opportunity created by the Court to promote human rights, including through: a variety of trainings, public lectures and the facilitation of efforts by civil society to ensure the lessons learned from the ECCC inform domestic practice; and, together with the East-West Management Institute and the United Kingdom Embassy, the creation of an Annotated Code of Criminal Procedure based on the jurisprudence of the ECCC.

**Access to justice and basic services (EA 4)**

- ▶ OHCHR financially and technically supported the process to allow registration of communal title by seven villages of Phnong indigenous peoples in the Mondulakiri Province. Working closely with NGO partners, the Office assisted them in processing their claims with the Ministries of Interior and Rural Development. The Bousra Mondulakiri project on indigenous peoples involves 3,741 people.

**Participation (EA 5)**

- ▶ With publicly available information about the work of the Cambodian lower courts located outside the capital and its surrounds, the Cambodian Centre for Human Rights (CCHR), the primary NGO monitoring the extent to which Cambodian courts comply with fair trial standards, monitored the provincial courts in Rattanakiri and Banteay Meanchey (in addition to Phnom Penh and Kandal), with financial support from OHCHR. A large number of cases related to land and indigenous rights (Rattanakiri) as well as human trafficking (Banteay Meanchey) were monitored along with 585 criminal trials involving 1,029 accused persons in Phnom Penh and Kandal provinces. The results were mixed: all of

the accused had access to a lawyer; public notice of trials improved vastly; and there were very few instances in which judges showed a lack of understanding of the presumption of innocence. Nonetheless, a majority of charged persons are still being placed in pre-trial detention (80 per cent); legal representation was greatly lacking in misdemeanour cases (62 per cent of cases without legal representation) and judges continued to use their mobile phones in the courtroom in a significant number of cases (22 per cent). In all three types of cases, however, there has been a decrease in the number of cases in which these violations have occurred since CCHR began producing monitoring reports in 2010.

- ▶ In 2011, in addition to financially supporting the delivery of legal aid services in prison, the Office continued to promote and facilitate further involvement of civil society organizations in prison reform work. This included work in areas as varied as sustainable farming in prison (NGO CEDAC), prisoner literacy (NGO SIPAR) and training of prison officials (NGO VBNK). Support to prison farming by CEDAC yielded positive results in the concerned prisons, including enhanced capacities of staff and prisoners, improved production techniques (in particular integrated farming) and increased yields which led to higher income-generation by prisons and benefited the rations of prisoners. The Office supported SIPAR in its partnership with the General Department of Prisons to improve literacy, education and rehabilitation opportunities through the establishment of libraries in four prisons and sponsored their application to roll out this work across the country in the coming years. The Office has been working closely with VBNK as part of OHCHR's support to the development of professional training for prison staff and to build the capacity of the Core Team of prison trainers from the General Department of Prisons and the Royal Police Academy of Cambodia. In 2011, two trainings-of-trainers of one week each were held. A final training will be held in 2012 following coaching sessions with each trainee.

**State engagement with human rights mechanisms (EA 6)**

- ▶ The Royal Government submitted its combined initial and second reports under the Optional Protocols to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict (OP-CRC-AC) and on the sale of children, child prostitution and child pornography (OP-CRC-SC) on 25 October 2011.



OHCHR staff member monitoring the human rights situation in a detention centre in Cambodia.

Following an eight-month training course provided by OHCHR for Government officials on the obligations under the International Covenant on Civil and Political Rights (ICCPR), the Government's overdue second periodic report has been finalized and will be submitted to the Human Rights Committee in early 2012. OHCHR has encouraged the Government to submit all overdue reports. Meanwhile, the Office provided briefings and trainings for members of delegations travelling to Geneva for dialogues with the treaty bodies in relation to the CRC (in collaboration with UNICEF) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and to participate in post-dialogue de-briefing sessions for key ministries. OHCHR also worked with the Government to organize civil society consultations on UPR follow-up and facilitated a division of responsibility for various recommendations across Government.

#### **Civil society engagement with human rights mechanisms (EA 7)**

- ▶ With the entry into force of the OP-CEDAW in January 2011, OHCHR and UN Women immediately conducted trainings for communities, the Government and UN actors regarding the Protocol and how to submit individual communications and requests for inquiries. To date, no cases have been submitted.

#### **Responsiveness of the international community (EA 10)**

- ▶ Coordination with development partners on human rights issues continued to be strengthened in 2011. OHCHR primarily obtained support for adopting a rights-based approach to assistance

from the key legal and judicial reform donors in Cambodia. This was particularly so in relation to European donors who have established an informal human rights working group that meets to discuss key issues of concern and often consults with OHCHR prior to reporting to their head offices. Similarly, coordination remained strong between the Office, USAID and AusAID.

#### **Human rights mainstreaming within the United Nations (EA 11)**

- ▶ More cooperation between UN agencies in Cambodia took place in 2011 through jointly organized trainings, events and consultation processes. OHCHR actively coordinated with UN Women to publicize the Government's ratification of the OP-CEDAW by jointly conducting training sessions and developing a leaflet on procedures in communicating complaints to the Committee. In May 2011, UNESCO and OHCHR, along with local media groups, organized the World Press Freedom Day which was attended by media practitioners and communications students. OHCHR also worked with the UNCT to integrate human rights into the monitoring of the United Nations Development Assistance Framework (UNDAF), in particular in relation to preparations for the annual Government-UN review of progress under the governance pillar of the UNDAF.

#### **Challenges and lessons learned**

Although the Royal Government of Cambodia pays significant attention to its obligations emanating from the UN human rights mechanisms, the large number of recommendations presents a daunting task in terms of implementation and national follow-up. To simplify the task, and with a view to ensuring equal attention to all rights, OHCHR encouraged the Government to adopt a comprehensive follow-up strategy that groups recommendations from all mechanisms by theme.

While Cambodia benefits from an extensive and vibrant civil society sector, dialogue between the Government and civil society (particularly on human rights-related issues) has diminished in recent years, resulting in few efforts to find common solutions to problems. This situation has created a challenge for all actors working on human rights issues in the country. OHCHR has attempted to foster dialogue between Government officials and members of civil society. In collaboration with the Cambodian Human Rights Committee, the Office brought together a broad section of civil society and representatives of 13 ministries to discuss the implementation of

Cambodia's UPR recommendations – the first time a meeting of this type has been held in a number of years. Similar efforts are planned for the provincial level in 2012.

As reported in 2010, the increasing limitations on freedom of expression in the country have created a significant challenge for civil society, human rights defenders, the United Nations and ordinary Cambodians engaged in advocacy on human rights. As part of its response, OHCHR provided the Government and National Assembly with expert advice on pieces of draft legislation that potentially undermine individual freedoms of expression, assembly and association.

Cambodia: Expenditure in 2011		
	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	1,081,826	290,697
Consultants	-	5,441
Official travel	64,815	47,158
Contractual services	2,961	179,286
General operating expenses	75,855	(14,511)
Supplies & materials	120,161	86,671
Seminars, grants & contributions	12,439	191,908
Subtotal	1,358,057	786,650
Programme support costs	-	102,264
<b>GRAND TOTAL</b>	<b>1,358,057</b>	<b>888,914</b>

## Nepal

Year established	2005
Staff as of 31 December 2011	103
Expenditure in 2011	US\$4,989,748

## Background

Progress was made in the promotion and protection of human rights during 2011 in Nepal, including through the passage of the new Untouchability Law and the Government's active participation in the Universal Periodic Review (UPR). Elements of the peace process were also advanced, including in relation to the categorization of former Maoist combatants for reintegration into the Nepal army or rehabilitation. The tenure of the Constituent Assembly was, however, extended three times during the year following its failure to finalize a new constitution. Impunity persisted

in relation to both conflict-related and post-conflict human rights violations, undermining the rule of law and public trust in governance. The Government took several regressive steps in this regard, including by seeking pardons for persons convicted of serious crimes and appointing such individuals to ministerial positions. Of particular concern were proposals in late 2011 that the bills to establish two transitional justice mechanisms could provide for broad amnesties in relation to serious violations of international human rights law. Against this backdrop, the role of the Supreme Court was noteworthy as it delivered some commendable decisions upholding the rule of law and reinforcing accountability.

Following the closure of its field offices in 2010, OHCHR-Nepal consolidated its presence in Kathmandu during 2011. Through frequent field missions, numbering over 150 during the year, the Office maintained its links with partners and continued monitoring the general human rights situation at the district level. At the same time, the Office placed special emphasis on strengthening the national human rights protection system, engaging in capacity-building for, and joint activities with, Government partners, national human rights institutions (NHRIs) and civil society organizations (CSOs).

In June, the mandate of OHCHR-Nepal was renewed for six months until 8 December, despite the High Commissioner's request for an extension of two years. At the request of the Government, OHCHR-Nepal submitted an exit strategy, developed in close consultation with key stakeholders, proposing its engagement in Nepal until the end of 2012 when the promulgation of the new Constitution and the successful holding of parliamentary elections are expected to be completed. Despite strong support for the Office's continuing presence in the country from NHRIs, civil society, major political parties and the international community, the Government of Nepal decided on 7 December not to renew the OHCHR-Nepal's Country Office mandate to continue operations in the country. As a result, OHCHR-Nepal proceeded to finalize its activities and close its operations by the end of March 2012. OHCHR is in dialogue with the Government on alternative modalities for future engagement and support.

## Results

### National laws, policies and institutions (EA 1)

- ▶ The Constituent Assembly has yet to produce the first consolidated draft of the new Constitution. The draft texts currently under consideration contain a number of important provisions, including comprehensive non-discrimination



An OHCHR team discussing caste-based discrimination with a Dalit community in Nepal.

clauses and guarantees of economic, social and cultural rights and rights of minorities and marginalized groups. The proposed provisions, however, fail to protect some basic rights, such as the right to equality - especially in the context of citizenship - and the rights of non-citizens. In addition, there is a proposal to provide for the granting of pardons, thus creating space for impunity for serious crimes and human rights violations. OHCHR-Nepal contributed significantly to the human rights discourse within and outside the Constituent Assembly and generated growing consensus among Assembly members concerning the independence of the judiciary and justiciability of economic, social and cultural rights. The Office undertook a review of constitutional proposals pertaining to human rights, drawing upon comparative constitutional experiences and engaged with Assembly members at different levels, including through national partners. OHCHR also strengthened its collaboration with a number of professional and human rights organizations, such as the Nepal Bar Association, including by jointly hosting a number of interactive programmes on contentious issues.

- ▶ In their advocacy to ensure that the Constitution of Nepal reflects equal rights for women, the National Women Commission (NWC) and OHCHR published a joint paper on equal citizenship rights for women which analysed proposed citizenship provisions in light of Nepal's obligations under national and international law. By sharing international best practices, the paper proposed amendments to bring the provisions in line with international human rights standards and best practices and has been the basis for further advocacy in the constitution-drafting process.

- ▶ The continued engagement of OHCHR on the ground with different stakeholders, including law enforcement authorities, political parties and their youth wings, on issues related to the rights and responsibilities of both rights-holders and duty-bearers, has led to improvement in the conduct of police in their responses to political protests and other mass activities and in relation to protest organizers. In addition, during its field missions across the country to monitor the general human rights situation, OHCHR was able to preventatively engage with State authorities and organizers of demonstrations, including at times of heightened tension. Actors from both the State and civil society acknowledged that the presence of the Office in these circumstances had a positive impact. Nevertheless, in a few instances, security forces were found to have used excessive force in responding to demonstrations and arrested members of groups prior to protests without legitimate cause.
- ▶ The identification and publication of indicators to monitor economic, social and cultural rights, facilitated by OHCHR-Nepal, greatly enhanced the Government's human rights-based approach in national planning and programming on poverty reduction. Launched in September 2011, these indicators are the first to replicate OHCHR's global initiatives to promote the use of human rights indicators to monitor the implementation of international human rights commitments at the national level. The published indicators are tailored to the Nepali context and are intended to assist national stakeholders in monitoring the status of the rights to adequate food, housing, health, education and work in Nepal. To ensure that the indicators are effectively used by NHRIs and civil society in engaging with the Government

for the promotion and protection of economic, social and cultural rights, the Office has conducted several training sessions on the use of these indicators in different regions of Nepal.

- ▶ The Ministry of Land Reform and Management finalized the draft bill for the protection and rehabilitation of freed *Haliyas* (persons engaged in a form of ancestral agriculture debt-bonded labour practiced in the hill districts of Nepal's Mid- and Far-Western regions). OHCHR-Nepal provided technical assistance on compliance with international human rights standards.
- ▶ The Government initiated the drafting of a bill on witness and victim protection. OHCHR-Nepal contributed to increasing awareness of this need through continuous advocacy and capacity-building activities that were based on the outcome of a 2010 regional event which recommended the enactment of comprehensive legislation. The Office organized a series of consultations on witness protection and helped coordinate inputs to the draft law with civil society organizations and other stakeholders. OHCHR-Nepal also made a substantive contribution to this process by preparing guidelines for witness management, which were submitted to relevant Government agencies, and by-laws on victim and witness protection in relation to the transitional justice bills.
- ▶ In June 2011, the International Coordination Committee of National Human Rights Institutions reviewed the National Human Rights Commission (NHRC) and confirmed its "A" status accreditation on the condition of a further review after the adoption of the National Human Rights Commission Bill. The joint advocacy of OHCHR-Nepal and the NHRC facilitated public debate around the need to revise the NHRC Bill in conformity with the Paris Principles. This advocacy included the joint publication of an analysis of the Bill's compliance with the Paris Principles and proposed amendments to ensure compliance. The analysis was widely circulated among key stakeholders, including parliamentarians. Significantly, during the UPR, the Government undertook commitments to pass the NHRC Bill. The Bill was passed in January 2012 and incorporated some of the issues raised in the advocacy campaign, however a number of areas of concern remain.
- ▶ OHCHR-Nepal also contributed to the capacity-building of the NHRC through a joint project with UNDP. In 2011, the project enabled the: training of NHRC staff; production of publications for human rights defenders, security forces and Government officials; and advocacy and consultations with stakeholders on thematic human rights issues. The project also supported a high-level panel discussion on case withdrawals for serious crimes as well as activities to mark important days such as the International Day in Support of Victims of Torture on 26 June 2011. Through the same project, the NHRC successfully coordinated the exhumation, by relevant State actors, of the remains of five people who were allegedly victims of disappearances during the conflict. The first four victims were exhumed in September 2010 and the remaining victim was exhumed in February 2011.
- ▶ Parliament passed the long-awaited Caste-based Discrimination and Untouchability Act in May 2011, following sustained advocacy by a variety of partners, including OHCHR, in collaboration with the National Dalit Commission and civil society. The Act prohibits caste-based discrimination and practices of untouchability and criminalizes the commission and incitement to commit such acts, in both the public and private spheres. Furthermore, the Law provides harsher penalties for public officials found guilty of such discrimination and requires perpetrators to provide compensation to victims. In September 2011, a 100-day campaign entitled "I commit to end caste discrimination and untouchability" was launched by the Office in cooperation with the National Dalit Commission to increase public awareness of the new Law. OHCHR-Nepal also supported the establishment and strengthening of local networks working to address caste-based discrimination in six districts across three regions of Nepal. These local networks have been instrumental in helping reduce the number of incidents of caste-based discrimination at the grassroots level and in supporting victims, including by facilitating their access to the criminal justice system. In December 2011, OHCHR-Nepal launched the public report entitled "Opening the Door to Equality: Access to Justice for *Dalits* in Nepal" providing a systematic analysis of the challenges faced by *Dalits* seeking justice. The report was based on information collected through OHCHR-Nepal's monitoring and investigation of emblematic cases. The report serves as an important tool to promote reforms and change needed to ensure equal access to justice for all.<sup>3</sup>
- ▶ The draft Criminal Code was introduced into Parliament in June 2011 and included a provision to criminalize enforced disappearances. Unfortunately, both the draft Penal Code and the draft bill for the Commission of Inquiries of

<sup>3</sup> ([http://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2011\\_12\\_07\\_Opening\\_the\\_Door\\_to\\_Equality\\_E.pdf](http://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2011_12_07_Opening_the_Door_to_Equality_E.pdf))



Disappearances (which also criminalizes enforced disappearances) remain inconsistent with international standards, including in relation to the statute of limitations period for such offences. OHCHR-Nepal has been contributing to the improved compliance of these bills with international standards by providing analysis and assisting advocacy by legal professional groups, civil society organizations and victims' groups.

#### **Ratification (EA 2)**

- ▶ Despite the 2006 parliamentary resolution directing the Government to accede to the Rome Statute of the International Criminal Court, the proposal for accession has yet to be presented before the Parliament. During its UPR in January 2011, the Government indicated it would consider ratifying the Rome Statute once legal and institutional infrastructures, including the draft Penal Code and sentencing bill, are in place.
- ▶ Despite advocacy by OHCHR, the Government has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

#### **Justice and accountability mechanisms (EA 3)**

- ▶ During 2011, some progress was achieved with regard to the legislation to establish two transitional justice mechanisms in Nepal, albeit more than six years after originally proposed. A legislative subcommittee was appointed to finalize the bills in May 2011 and OHCHR worked with committee members on substantive issues related to international law, standards and best practices. Progress was achieved in reaching consensus on some of the contentious issues. In November, following the seven-point agreement between parties where a commitment was made to pass transitional justice bills, an informal task force was appointed to finalize the bills at the political level. Subsequently, it has become apparent that provisions to allow for a broad amnesty, including for serious violations of international human rights law, could be included and that important provisions allowing the commissions to recommend prosecutions could be removed. The Office continues to advocate against a broad amnesty, calling for the respect of the right of victims to an effective remedy.
- ▶ Concerns exist relating to other elements of the proposed laws, including a clause to allow the Government to directly appoint the Secretary and other personnel, possibly undermining the Commissions' independence and impartiality. The Office ensured the adoption of a victim-centred approach in the transitional justice process by

organizing several consultations both at regional and national levels to facilitate discussion between victims and Parliamentarians.

- ▶ Accountability for human rights violations undermined during 2011 with a series of attempts by the Government to withdraw a large number of criminal cases and recommend pardons for, and the promotion of, several persons convicted of, or facing credible allegations of, serious crimes. In light of this trend, the Supreme Court played an increasingly important role in subjecting Government decisions to judicial review. OHCHR-Nepal contributed to this process, including by publishing a legal opinion stressing that regular criminal proceedings cannot be deferred because a transitional justice mechanism is envisaged. The content of this opinion was reflected in a Supreme Court order requiring the continued investigation and prosecution of such cases under the regular criminal procedure, irrespective of the establishment of the transitional justice mechanisms.

#### **Access to justice and basic services (EA 4)**

- ▶ During the Universal Periodic Review, the Government accepted most of the recommendations concerning the promotion and protection of women's rights, many of which are related to commitments included in the National Action Plan on Gender-Based Violence that was adopted by the Prime Minister's Office in November 2009. OHCHR-Nepal contributed to the implementation of the Action Plan and committed to improving access to justice for victims of sexual and gender-based violence in close cooperation with the National Women's Commission. The Office supported a capacity-building programme for staff of the safe houses established by the Government in 15 districts and law enforcement officials.

#### **Participation (EA 5)**

- ▶ There was a general decrease in the use of violence during demonstrations by, and clashes between, members of different parties and interference in each other's political activities. OHCHR-Nepal contributed to this reduction through continuous advocacy and engagement with the political parties at the local level. At the same time, the Office facilitated the formation and strengthening of networks of human rights defenders – Demonstration Monitoring Networks – in four regions of Nepal as part of its efforts to strengthen the skills of national human rights organizations. This effort resulted in the increased presence of national human rights monitors

during political protests and demonstrations in different parts of the country which, on the basis of OHCHR's observations, helped reduce the level of violence used by protesters, the Nepal police and the Armed Police Force.

### Civil society engagement with human rights mechanisms (EA 7)

- ▶ Civil society organizations (CSOs) are increasingly able to use the human rights framework and collaborate with each other. OHCHR-Nepal contributed to this result by conducting more than 60 trainings and programmes, including on the use of public interest litigation, the justiciability of economic, social and cultural rights, investigations on extrajudicial killings and sexual and gender-based violence and the roles and responsibilities of human rights defenders. One result was the active participation of civil society organizations in the first review of Nepal under the UPR mechanism. Having submitted several joint reports in 2010, Nepal CSOs, along with national human rights organizations, undertook proactive advocacy during the January 2011 review, including by organizing a side event and a series of informal meetings with representatives of various States, international NGOs and other UN agencies. These activities were also viewed as effective in establishing a collective voice on human rights issues among Nepal's CSOs.

### Human rights mainstreaming within the United Nations (EA 11)

- ▶ As the lead organization of the Protection Cluster, OHCHR-Nepal contributed to strengthening the human rights-based approach of the United Nations Humanitarian Country Team Mechanism in 2011. This included the development of a contingency plan for the Cluster focusing on the possibility of a major earthquake centred in the Kathmandu Valley. After a major earthquake hit the eastern part of Nepal in September 2011, human rights concerns of the affected population were assessed by the members of the Protection Cluster, including UNICEF and other human rights defenders at the district level, utilizing the protection assessment checklist which the Protection Cluster had developed and disseminated to humanitarian actors and NGOs. The use of the checklist contributed to a better understanding of the affected population's protection needs and the development of strategies for a timely response, such as psychosocial support training for the worst-affected communities. Similarly, the Office promoted the use of the human rights-based



Posters prepared by the National Dalit Commission and OHCHR for a campaign to end discrimination.

approach in other Clusters of the United Nations Humanitarian Country Team Mechanism, including Food, Education, Shelter, Camp Coordination and Camp Management Clusters, by providing substantive briefings on mainstreaming human rights protection into their respective Cluster planning and response strategies. The Office played a key role in integrating human rights into the draft United Nations Development Assistance Framework (UNDAF) for 2013-2017. The new UNDAF focuses on 20 disadvantaged, marginalized or vulnerable groups and outlines its outcomes, activities and programming in relation to ensuring a positive impact on the lives of these communities. The UNDAF has an innovative approach which incorporates the possibility of measuring impact from the perspective of the enjoyment of the full range of human rights by the most disadvantaged population.

### Challenges and lessons learned

During 2011, OHCHR-Nepal noted an increasing trend in Government efforts to withdraw serious criminal cases, provide pardons for persons convicted of serious crimes and appoint to ministerial positions certain individuals convicted of crimes or facing allegations of serious human rights violations. In response, the Office, in cooperation with NHRIs, issued a number of public statements urging the Government to uphold the rule of law and ensure accountability. In the later part of 2011, the Office stepped up its advocacy efforts to prevent the possible inclusion of provisions that would allow for broad amnesty under the pending bills developed to establish transitional justice mechanisms, contrary to international human rights law and standards.

OHCHR's advocacy was critical to supporting efforts to combat pervasive impunity in the country and was widely appreciated by Nepal's human rights community. These efforts also placed the Office in an adversarial position with the Government and may have negatively impacted on the Government's decision not to renew OHCHR's mandate in Nepal.

In 2011, OHCHR-Nepal further consolidated its work on Caste-Based Discrimination, continuing to support the full participation of affected communities and facilitating synergies between civil society at central and grassroots levels and the National Dalit Commission. Blending public reporting capacity-development and broad-based awareness campaigns at all levels of society, OHCHR-Nepal amplified the advocacy efforts of Dalit groups located in remote areas of Nepal where caste-based discrimination and untouchability remain rampant.

Nepal: Expenditure in 2011		
	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	-	3,234,921
Consultants	-	24,958
Official travel	-	313,753
Contractual services	-	140,723
General operating expenses	-	312,398
Supplies & materials	-	201,066
Seminars, grants & contributions	-	187,887
Subtotal	-	4,415,706
Programme support costs	-	574,042
<b>GRAND TOTAL</b>	-	<b>4,989,748</b>

#### A village in the eastern region of Nepal declares itself free of witchcraft allegations and practices after a one-year campaign

November 25th is the international day to combat violence against women and signals the start of the annual 16-day international campaign against gender-based violence. OHCHR-Nepal marked the day by celebrating the completion of a one-year campaign to eradicate violence against women accused of practicing witchcraft in the Amgacchi Village Development Community of Morang district in the eastern region of Nepal.

Amgacchi had been marked in recent years by a series of incidents of severe beatings and abuse of local women accused of practicing witchcraft. Following research conducted by the Women's Rehabilitation Centre (WOREC), a Nepal-based human rights organization and a local network of women human rights defenders, a year-long campaign to declare the

local area free from allegations of witchcraft was launched on 25 November 2010. Since then, OHCHR has supported the implementation of the campaign through a village-based network of women human rights defenders, teachers, political party members, students, health workers, police officers and, most importantly, *Dhamis* (traditional healers). The Office has provided training and technical support, including in the development of campaign strategies. Local residents established working groups at various levels, including in schools. These groups campaigned door-to-door, thus taking the issue to every home in the local community and organized orientation trainings on various related issues, including sexual and gender-based violence. The Dhamis Committee played an active role throughout the campaign by strongly

advocating against violence against women and making commitments to refer serious medical cases to the district hospital. This was a major achievement as in previous years the Dhamis themselves were involved in accusing women of practicing witchcraft and engaging in violent assaults to "treat" them.

On 25 November 2011, on the completion of the one-year campaign, local residents declared the village free from violence against women accused of practicing witchcraft. During the one-year period of the campaign, no cases of such violence were reported. The celebration to mark the success of the campaign was attended by the deputy Speaker of the Parliament, representatives of the local Government, police, NHRIs, as well as local residents.

## Regional Offices

### Regional Office for South-East Asia (Bangkok, Thailand)

Year established	2002
Staff as of 31 December 2011	7
Expenditure in 2011	US\$1,131,094

### Background

The South-East Asia region is diverse in terms of political systems and economic development. Despite ongoing economic growth in the region, Cambodia, Lao PDR and Myanmar remain three of the least developed countries in the world. Within countries, there is also a vast difference in the share of national income going to the richest and poorest. Inadequate social security nets leave the poor particularly vulnerable to economic downturns and high food commodity prices. Common concerns include: unnecessary and disproportionate restrictions on freedom of expression; impunity for serious human rights violations, including torture; the treatment and poor legal protection of undocumented migrants, asylum-seekers and refugees; human trafficking; and discrimination against women, persons with disabilities and persons living with HIV/AIDS. Positive developments include increased engagement by States with international human rights mechanisms, including through the Universal Periodic Review (UPR) process; ongoing efforts by States to advance the nascent regional human rights system; as well as promising reforms at the domestic level in countries such as Myanmar.

OHCHR's Regional Office for South-East Asia covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. The Regional Office acts as an expert resource and plays a catalytic and convening role, helping to bring human rights standards and mechanisms into discussions on political, social, economic and development issues among governmental and non-governmental actors. A combination of advocacy on human rights issues of concern and technical support and capacity-building with key partners has formed the basis of the Regional Office's work, including with national authorities, the Association of Southeast Asian Nations (ASEAN), national human rights institutions (NHRIs), civil society and UN agencies and programmes. Priorities in 2011 included: increased engagement by all States with UN human rights mechanisms and



Floods in Thailand.

improved implementation of their recommendations; an increased number of national human rights institutions and civil society actors making use of international human rights mechanisms; the increased integration of human rights standards into UN programmes in the region; and providing support to the emerging Association of Southeast Asian Nations human rights system.

### Results

#### National laws, policies and institutions (EA 1)

- ▶ In Lao PDR, the Regional Office provided support to the International Law Project of the UNDP country office, which in 2011 included training programmes for judges on the application of international human rights law in national courts.
- ▶ The Regional Office conducted a training workshop on UPR follow-up for the national human rights commission of Malaysia (SUHAKAM), Government officials and representatives of civil society organizations (CSOs) which laid the groundwork for SUHAKAM's increased engagement in relation to the protection of the rights of indigenous peoples, particularly their right to land.
- ▶ The Regional Office helped to engage the international human rights mechanisms to highlight the relevant standards and obligations in relation to freedom of expression in the region. In Thailand, the Regional Office helped to inform discussions on the reform of national legislation by translating into Thai the Human Rights Committee's General Comment No. 34 on article 19 of the International Covenant on Civil and Political Rights (ICCPR) and facilitating exchanges of Thailand's constitutionally mandated Law Reform Commission (LRC) with the Special

Rapporteur on freedom of opinion and expression. The LRC is mandated to submit recommendations to the Cabinet for reform of Thailand's national laws.

- ▶ In Myanmar, the Regional Office engaged with the newly established Human Rights Commission (September) through a workshop which provided a forum for commissioners and mid-level Government officials to familiarize themselves with international human rights law. The workshop also facilitated discussions on follow-up to the 2011 UPR and the recommendations issued by other mechanisms.

#### **Ratification (EA 2)**

- ▶ The Regional Office integrated its advocacy work on the ratification of international instruments into missions across the region in 2011. The Office also supported specific events to push for ratification, such as the Indonesian Institute for Policy Research and Advocacy's (ELSAM) high-level meeting in June on Indonesia's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). In 2011, Indonesia and Myanmar became State Parties to the Convention on the Rights of Persons with Disabilities (CRPD).

#### **State engagement with human rights mechanisms (EA 6)**

- ▶ Thailand pledged to issue a standing invitation to special procedures; the first country in South-East Asia to do so. The Regional Office, in cooperation with United Nations Country Teams (UNCTs), played a catalytic and convening role in promoting improved engagement by States with international human rights mechanisms. This was done through support for seminars, conferences and symposiums organized by partners of the Regional Office and OHCHR colleagues from Geneva. For example, an OHCHR regional training workshop was organized on the protection of the rights of minorities aimed at integrating protection of the rights of minorities into country and regional strategies and development programmes. In addition, the Regional Office worked in collaboration with the UNCT to hold a mock UPR session for the Thai delegation at the Ministry of Foreign Affairs prior to its actual review.
- ▶ In 2011, Singapore and Thailand submitted their respective reports to the UPR. Lao PDR submitted its periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Singapore submitted its report under the Optional Protocol

to the Convention on the Rights of the Child on the involvement of children in armed conflict, and Viet Nam submitted its reports under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and ICERD. Thailand also prepared its periodic report to the Committee against Torture, which is being finalized. The Regional Office continues to advocate and provide technical assistance for Governments in relation to the submission of State reports to international human rights mechanisms.

- ▶ The Malaysian Government drafted a monitoring action plan on the implementation of UPR recommendations. This came about following a training workshop conducted by the Regional Office for SUHAKAM, which then reported on the monitoring action plan to the Human Rights Council in Geneva; the first of its kind by a NHRI from the region.

#### **Civil society engagement with human rights mechanisms (EA 7)**

- ▶ Civil society groups in the region submitted information on human rights violations to the relevant special procedures mandate-holders. This was facilitated by the development of a database in the Regional Office to monitor follow-up action on special procedures communications. A total of 39 communications were issued by special procedures mandate-holders to countries in the region, some of which were a result of assistance provided by the Regional Office to civil society actors.

#### **International and regional laws and institutions (EA 8)**

- ▶ The Regional Office has established itself as a trusted partner of the ASEAN Secretariat, the *ASEAN Intergovernmental Commission on Human Rights* (AICHR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) as a result of efforts undertaken since 2006 to support the establishment and subsequent strengthening of an ASEAN Human Rights System. This has placed the Regional Office in a position where it can positively influence the early evolution of ASEAN's human rights mechanisms. For instance, the Regional Office was among the first UN agencies to be invited to hold an interface meeting in July with AICHR to agree on areas of support and collaboration in the context of AICHR's five-year workplan. This was followed by an interface with the High Commissioner in November. The Regional Office has subsequently engaged directly with AICHR on important

activities such as the drafting of an ASEAN Human Rights Declaration which is due to be adopted in 2012. For example, the Regional Office was invited to offer advice and technical assistance on the inclusion of international human rights standards in the regional instrument during AICHR's first consultation on the Declaration.

- ▶ The Regional Office has played a key role in strengthening the capacity of other important actors relevant to the development of an effective ASEAN human rights system. For instance, the Regional Office continued its collaboration with UNDP in strengthening secretariat support to ASEAN's human rights mechanisms. In 2011, this included a first human rights training for staff across all sectors of the ASEAN Secretariat which helped lay the foundations for the mainstreaming of human rights throughout the work of the organization. In these activities, the Regional Office was also able to integrate other key local actors, including non-governmental organizations (NGOs), academia and NHRIs.

#### **Human rights mainstreaming within the United Nations (EA 11)**

- ▶ Through application of the human rights-based approach, the Regional Office continued to mainstream human rights into UN programming at the country and regional levels. For instance, with regard to the Royal Thai Government's policy response to the severe flooding in Thailand, the Regional Office advised the UNCT on advocacy with the Thai Ministry of Foreign Affairs and other authorities, particularly in relation to the protection of migrants. This included highlighting relevant recommendations of special procedures and providing other guidance and methodological tools to the UNCT. The joint advocacy of UNCTs and NGOs coupled with media coverage of concerns relating to migrants helped facilitate the establishment of an additional shelter for migrants and improved legal protection.
- ▶ UNCTs in the region played an active role in the UPR process. The Regional Office helped to improve awareness of the potential of the new mechanism and ensured that the substantive inputs of UNCTs into the UN Compilation Report included reference to pertinent human rights concerns within the respective country. For instance, in Thailand, the Office was involved throughout the UNCT's drafting of inputs, and in the Philippines, the Office provided technical advice to UNCT members at key points to facilitate their inputs.
- ▶ The Regional Office galvanized civil society actors, Governments, UNCTs, NHRIs and national representatives from the ASEAN human rights mechanisms in order to holistically follow-up on recommendations from international human rights mechanisms, including treaty bodies, the special procedures and the UPR. For instance, in Thailand, the Office was able to play a substantive role in the development and implementation of the UN Development Partnership Framework. This included co-chairing, with the Ministry of Justice, a Joint Team on Human Rights and Access to Justice whose primary purpose is to support Thailand in implementing the recommendations of international human rights mechanisms. Also in Lao PDR, the Office has been actively involved in forging a cooperation partnership modality in the context of the Development Assistance Framework (UNDAF) which will specifically address the need for follow-up to the UPR recommendations.
- ▶ At the regional level, the Office has been part of the United Nations Development Group Asia-Pacific (UNDG A-P), particularly through its Peer Support Group (PSG). The Office participated in quality support work undertaken by the PSG regarding the UNDAFs of India, Iran, Lao PDR and Philippines. The Office helped to ensure that the principles of the human rights-based approach to programming were firmly reflected and anchored in the development processes in these UNDAFs. Within the context of its engagement in both the UNDG A-P and the Regional Inter-agency Team on AIDS, and with the involvement of the OHCHR Adviser on HIV/AIDS, the Office contributed to a draft joint statement by UN agencies on compulsory detention and the treatment of drug users. The statement will serve as a useful advocacy support tool in the future.
- ▶ In Thailand, media coverage of the Regional Office's position on the criminalization of drug abuse (including compulsory detention and treatment), and its implications for HIV/AIDS, led to renewed partnership with UNODC and UNAIDS with a view to undertaking a joint project in 2012 in cooperation with national and regional Government agencies working on health and drug issues. An informal visit of the Special Rapporteur on health, who discussed relevant standards with UN agencies, provided added value to the process.
- ▶ Through participation in the UN Regional Thematic Working Group on International Migration, including human trafficking, and with the active engagement of the OHCHR Adviser on Migration, the Regional Office contributed a chapter on migration and human rights for inclusion in the 2011 UN Situation Report on Migration in south and south-west Asia.

## Challenges and lessons learned

The Regional Office has a convening power, bringing together a wide range of actors who might otherwise not be in contact, to discuss human rights issues. The Office has learned how to target capacity-building and technical assistance for national partners at key points in the international human rights cycle. For instance, this may involve visiting a UNCT to provide training on human rights-based approaches at an opportune moment in the UNDAF cycle or providing training to NGOs and NHRIs preparing submissions to the UPR or human rights treaty bodies. It is therefore essential for the regional offices to maintain contact with local networks to make these timely interventions during the course of a year.

The Office has benefited from utilizing local expertise for human rights workshops and seminars, for instance with Myanmar, and at the regional level with the ASEAN Secretariat, which can help to situate international standards within a localized context.

The Regional Office increasingly plays a role in publicly raising human rights issues of concern with reference to international human rights standards which subsequently opens up space for local actors in their advocacy efforts. By virtue of its proximity, the Regional Office is in a good position to judge the appropriateness and timing of such public interventions. Other UN agencies are often reluctant to advocate publicly on certain human rights issues due to their differing mandates which increases the importance of the Regional Office's interventions.

Regional Office for South-East Asia (Bangkok, Thailand): Expenditure in 2011		
	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	660,056	202,269
Consultants	-	15,173
Official travel	9,900	42,288
Contractual services	-	26,980
General operating expenses	58,527	15,694
Supplies & materials	10,572	21,242
Seminars, grants & contributions	19,800	5,769
Subtotal	758,855	329,415
Programme support costs	-	42,824
<b>GRAND TOTAL</b>	<b>758,855</b>	<b>372,239</b>

## Regional Office for the Pacific (Suva, Fiji)

Year established	2005
Staff as of 31 December 2011	7
Expenditure in 2011	US\$913,919

## Background

The Pacific region is made up of a large number of geographically isolated small islands as well as the larger countries of Australia, New Zealand and Papua New Guinea (PNG). Civil and political rights are enshrined in most national constitutions, while economic, social and cultural rights are not. In many Pacific Island countries, a number of human development indicators are of concern, particularly in relation to poverty, education, health and gender equality. Similarly, accountability mechanisms can be weak, creating a situation of impunity for perpetrators of human rights violations. Frequent natural disasters affect long-term development outcomes and generate displaced populations who face discrimination when seeking durable solutions, including in relation to the right to adequate housing. Low-lying atoll countries are particularly concerned about the future impact of climate change on the enjoyment of rights of their citizens. Discrimination against minority indigenous populations in some countries are of concern, as is the treatment of asylum-seekers. Other human rights concerns in the region include high rates of sexual and gender-based violence, discrimination against women, poor conditions of detention, police violence and torture, the right to adequate housing, including forced evictions, access to basic services, including health and education and protection in situations of natural disaster and armed conflict. The treaty ratification and reporting rates are low, although increasing. All UN Member States in the Pacific completed the Universal Periodic Review (UPR) process in 2011 and made significant human rights commitments. There has also been a growing interest in visits to the region by special procedures mandate-holders.

The Regional Office for the Pacific was established in 2005 and is located in Suva, Fiji. It covers the 16 Pacific Island Forum countries, including Australia, the Cook Islands, Fiji, Kiribati, Marshall Islands, the Federated States of Micronesia, Nauru, New Zealand, Niue, Palau, PNG, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Its work engages countries of the region on issues of discrimination, torture, protection in natural disasters and economic, social and cultural rights.

It promotes treaty ratification, UPR reporting and implementation of recommendations from UN human rights mechanisms. It is an active member of the Fiji- and Samoa-based United Nations Country Teams (UNCTs) and aligns its work with the United Nations Development Assistance Framework (UNDAF). The Regional Office also provides substantive support to the Human Rights Adviser (HRA) in Papua New Guinea.

## Results

### National laws, policies and institutions (EA 1)

- ▶ Although no national human rights institutions (NHRIs) were established in the region in 2011, the Government of Palau is taking steps towards the establishment of such an institution as a result of an assessment mission and ongoing technical assistance undertaken by OHCHR. It is also one of the Government's commitments under the UPR. The Regional Office participated in a joint assessment mission with the Asia Pacific Forum (APF) on National Human Rights Institutions and the Pacific Island Forum Secretariat (PIFS). The mission resulted in increased awareness and interest among different national stakeholders and the report contained possible options. The Government also committed to draft a workplan for the establishment of an institution. This work will continue in 2012 as the Government implements its UPR commitments. It has invited another technical assistance mission for follow-up on implementation of its UPR recommendations, particularly in relation to the establishment of a national institution.
- ▶ Vanuatu is taking steps towards the establishment of a NHRI in compliance with its commitment under the UPR. In September 2011, the Regional Office, together with PIFS and APF, organized and carried out an assessment mission on the establishment of a NHRI in Vanuatu and has been actively following up on the resulting recommendations with the Government. A consultation on the establishment of a NHRI is due to be held in Vanuatu in early 2012.
- ▶ In Kiribati, PNG and Solomon Islands, the police and representatives of a number of ministries attended workshops on monitoring and documenting human rights violations and became increasingly aware of their duties to ensure that violators are prosecuted. In PNG, for instance, this resulted in police working with human rights defenders to pursue accountability through the formal justice system in cases of sexual and gender-based violence (SGBV), including gang rape.

### Ratification (EA 2)

- ▶ Vanuatu acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in August 2011, following advocacy and technical assistance by the Regional Office.

### Participation (EA 5)

- ▶ Church leaders in Vanuatu have increasingly engaged in addressing human rights issues, particularly torture and violence against women, and have called for accountability for human rights violations through consultations and various trainings by the Regional Office. In particular, representatives of faith-based groups attended workshops on torture prevention and violence against women and participated in follow-up work with the Regional Office to monitor places of detention. The representatives also joined the Vanuatu Human Rights Defenders Network which was established after a Regional Office-led workshop.
- ▶ Furthermore, through continuous advocacy of the Regional Office, representatives of churches have started to consider the compatibility of human rights with Christianity. In particular, the Regional Office has developed a cooperative relationship with the Pacific Conference of Churches and provided substantive advice in relation to their position paper on Christianity and human rights.
- ▶ In the highlands of PNG and in Bougainville, Kiribati, Solomon Islands and Vanuatu, human rights defender networks were established with the help of the Regional Office which, inter alia, provided them with mentoring support that emphasized the monitoring and documenting of human rights violations. The Regional Office also assisted the networks in the highlands of PNG to receive funding from UNDP for projects, as well as emergency protection funding from OXFAM and AI Australia. In two cases, this emergency funding was used to protect victims and human rights defenders from further attacks.

### State engagement with human rights mechanisms (EA 6)

- ▶ The Regional Office helped to implement the human rights strategy adopted by the UNCT in 2010. As a result, Kiribati issued a visit invitation to the Independent Expert on water and sanitation and Solomon Islands invited the Special Rapporteur on violence against women to carry out country visit.
- ▶ In Vanuatu, the Regional Office's advocacy efforts increased the Government's awareness of UPR recommendations and their obligations related to implementation. A technical cooperation project





Participants of a media regional roundtable carried out by OHCHR in Solomon Islands, October 2011.

on UPR follow-up has been agreed upon between the Government (Ministry of Justice) and the Regional Office, with a particular focus on torture prevention, the establishment of a NHRI and a national human rights coordination body for the implementation of recommendations issued by UN human rights mechanisms. The Regional Office also carried out trainings for police and correctional services, thereby supporting implementation of relevant UPR recommendations. The training of correctional services officers has begun to have an impact on conditions in the Santo Detention Centre. Following a Regional Office-led training in May, participants committed to and implemented: a training on first aid and basic medical treatment for officers and detainees; the construction of a facility for female detainees; the installation of water tanks for detainees; and a regime of internal inspections (daily, weekly and monthly).

#### **Civil society engagement with human rights mechanisms (EA 7)**

- ▶ An increased number of special procedures allegation letters were sent to countries of the region (from 11 in 2010 to 15 in 2011). The Regional Office trained and mentored civil society actors in Fiji, Kiribati, PNG, Solomon Islands, Tonga and Vanuatu on monitoring and documenting human rights violations.
- ▶ In PNG, the focus was on specific forms of violence against women, particularly sorcery-related killings and attacks. The Regional Office and the HRA in PNG assisted in ensuring that information on at least four cases of sorcery-related attacks were sent to special procedures.

- ▶ In Fiji, the Regional Office extensively consulted with civil society, other UN agencies and regional organizations, as well as the Government, on plans for UPR follow-up. One-on-one discussions with civil society resulted in consensus around the need for national-level consultations on UPR recommendations and engagement between civil society and the Government, facilitated by UN agencies, on implementation of the recommendations. These preliminary consultations resulted in increased awareness of the content of UPR recommendations among civil society and other partners.

#### **Responsiveness of the international community (EA 10)**

- ▶ For the first time, the outcome statement of the Pacific Islands Forum Leaders' meeting held in Auckland in September 2011 included a paragraph on human rights. In this paragraph, stakeholders "welcomed the successful participation of all Forum members in the first round of the Universal Periodic Review to the UN Human Rights Council as a major regional achievement. They acknowledged the support and assistance to Members in their reporting efforts from the Forum Secretariat, the Regional Rights Resource Team of the Secretariat of the Pacific Community and the Office of the High Commissioner for Human Rights. Leaders noted that the development of this cooperation, and the networks created by this activity, represent an important source of human rights expertise for the entire region."
- ▶ In 2011, media coverage of substantive human rights issues and the activities of the Regional Office increased when compared to previous

years. This was a result of the Regional Office's media and communications strategy which included the publication of media releases and op-eds. Regional Representative media interviews were given on topics relating to human rights issues and the Regional Office's mandate.

- ▶ A Regional Office op-ed on the decriminalization of homosexuality published in October 2011 was widely reproduced by a range of gay media and social networks across the region. The Office received numerous messages of positive feedback from civil society and other organizations.
- ▶ The High Commissioner for Human Rights visited Australia in May 2011 and raised human rights issues with the Government and civil society, including in relation to discrimination against indigenous communities and the treatment of asylum-seekers. The visit attracted high levels of national and international media attention with more than 500 articles mentioning the visit within a month of the visit.
- ▶ National governmental and non-governmental stakeholders in Australia working on development projects or humanitarian assistance in the Pacific region have increasingly used a human rights-based approach in their work. This has been gradually achieved through ongoing working partnerships. The Regional Office is working with the Australian Council for International Development to develop a tool kit and training course on a human rights-based approach. Both the toolkit and the training programme emphasize human rights standards and principles. The toolkit is being finalized and the training course will be launched in early 2012.
- ▶ Relevant stakeholders at the national and international levels have a better understanding and more information on the human rights implications of free trade policies and agreements. This is a result of two initiatives undertaken by the Regional Office in cooperation with the UNDP Pacific Centre: (1) a publication on "Pacific trade and the right to health" that was, for example, widely circulated and used in a trade- and health-related regional ministerial meeting in Tonga in July 2011; and (2) A human rights impact assessment of the World Trade Organization accession negotiations related to Vanuatu. This project elicited global attention as international development and financial organizations are interested in learning from it for use in other regions. The project is comprised of a comprehensive analysis of implications and issues carried out by a team of four consultants with backgrounds in human rights, trade,

economics and intellectual property rights. It was initiated in August 2011 and will be finalized in 2012. The findings will be published and shared with the Government and developed into a tool for advocacy and shared experiences across the Pacific region.

### **Human rights mainstreaming in the United Nations system (EA 11)**

- ▶ The joint Common Country Assessment (CCA)/UNDAF 2013-2017 for the 14 Pacific Island countries covered by the Fiji- and Samoa-based UNCTs incorporates a human rights-based approach and includes a focus on vulnerable groups and possible marginalization. As part of the Steering Committee, the Regional Office provided inputs for terms of reference, guidance materials, country desk-reviews, CCA and UNDAF documents, and acted as a reviewer in an editorial task force. In addition, the Regional Office provided a training session to UN staff involved in the CCA review process, as well as a human rights-based approach training session for UNDP programming staff.
- ▶ The Protection Cluster's operations and capacities to respond in emergencies were strengthened through a number of coordination efforts and tools. Two studies undertaken on situations of internal displacement in the Pacific (one by the Regional Office and one by the Protection Cluster), created more awareness and interest in considering displacement from a human rights point of view. The Regional Office co-leads the Cluster work with UNHCR and organizes quarterly Protection Cluster meetings and other meetings as needed. It also actively participates in the OCHA-led bi-weekly Cluster coordination meetings and those of other partners.

### **Challenges and lessons learned**

A lesson learned in 2011 is that using the media to increase the level of awareness of human rights in the Pacific region is an effective way to overcome the difficulties of limited in-country contact due to distance and the high number of countries covered by the Office. The Regional Office found that well-timed and reactive media engagement is an effective tool for achieving its communications goals of increasing awareness and understanding of human rights and OHCHR's work in the Pacific.

In its work on trade and human rights, the Regional Office found that the promotion of human rights impact assessments provided a concrete means of encouraging the inclusion of human rights principles into debates around trade and development issues.

Human rights impact assessments provided an evidence base for assessing agreements and contributed to making the process more transparent and accessible for those who are often left out of trade negotiations.

Regional Office for the Pacific (Suva, Fiji): Expenditure in 2011		
	Regular budget expenditure in US\$	Extrabudgetary expenditure in US\$
Personnel and related costs	-	635,293
Consultants	-	9,574
Official travel	-	52,889
Contractual services	-	16,600
General operating expenses	-	38,969
Supplies & materials	-	5,517
Seminars, grants & contributions	-	49,936
Subtotal	-	808,778
Programme support costs		105,141
<b>GRAND TOTAL</b>	-	<b>913,919</b>

#### Regional Office for the Pacific: facts and figures

**27** missions carried out

**18** training workshops held in six countries, with participants from nine countries of the region

**22** awareness-raising activities carried out (including a high-level conference, preparation of briefing papers and delivery of lectures and presentations)

**25** press releases and op-eds issued (distributed to 325 newsrooms and journalists throughout the Pacific region)

Twitter account established for the Regional Office in 2011. By the end of year there were **468** followers. The Office broadcasted **500** tweets in 2011

Facebook page established for the Regional Office in October 2011. By the end of the year, the site had **70** fans

Supported **2** visits of special procedures mandate-holders to the region (Independent Expert on foreign debt to Australia and Solomon Islands and Special Rapporteur on trafficking to Australia)

## Human Rights Components in UN Peace Missions

### United Nations Assistance Mission in Afghanistan

Year established	2002
Staff as of 31 December 2011	92

#### Background

In 2011, protection of civilians remained a major human rights concern in Afghanistan. The reduction of international forces and transition of security responsibilities to the Afghan National Security forces, coupled with increased military activities by Government forces and anti-Government elements (AGEs), caused an increase in civilian casualties. Although the number of civilian casualties attributed to pro-Government forces (PGFs) decreased, the continuous use of indiscriminate and illegal tactics by AGEs, such as suicide bombings, improvised explosive devices and targeted assassinations, resulted in the killings of many more civilians than in past years. With the intensification of the conflict, the number of detainees in Afghan detention facilities grew rapidly. Arbitrary detention and the use of torture and ill-treatment as interrogation techniques are widespread. While there were increasing moves to begin peace negotiations with the Taliban, there was limited commitment to ensuring accountability for past crimes and the inclusion of civil society, victims' groups and women in the peace and reconciliation process.

OHCHR and the United Nations Assistance Mission in Afghanistan (UNAMA) continued to monitor, investigate and report on conflict-related incidents which produced civilian casualties. The Human Rights Unit of UNAMA (OHCHR/UNAMA) maintained a database to track the number and nature of incidents related to civilian casualties. It also continued to monitor, investigate and report on due process guarantees and treatment of detainees in Government detention facilities. The Office engaged extensively in advocacy campaigns with relevant actors on thematic issues of concern, such as the protection of civilians, accountability and treatment of detainees in order to build awareness and promote systematic and regular follow-up to the recommendations made by the Office. The Office also engaged with civil society organizations (CSOs) to facilitate broad-based consultation with local communities to ensure their voices were heard in



relation to peace, reconciliation and accountability issues. The Office supported the work of the Afghanistan Independent Human Rights Commission, Human Rights Support Unit within the Government and of CSOs on priority areas. OHCHR/UNAMA remembers the loss of one of its human rights officers, Joakim Dungel, who was killed with several colleagues in an attack on the UNAMA Office in Mazar-i-Sharif in April 2011.

## Results

### National laws, policies and institutions (EA 1)

► The protection of civilians and the reduction of casualties remain priority areas of work for OHCHR/UNAMA. With the intensification of the conflict and its spread to more areas of the country, civilian casualties increased, albeit at a slower rate in late 2011 than earlier in the year. Despite these trends, the Office was able to exercise positive influence on policy, awareness and responsiveness among the parties to the conflict. The International Security Assistance Force (ISAF) put in place standard operating procedures and tactical directives to restrict the use of force and increase civilian protection. To mitigate future incidents, special teams were formed to track civilian casualty incidents. OHCHR/UNAMA contributed through regular meetings and technical advice. These tactical directives, together with standard operating procedures to regulate night searches, the rules of engagement and rules of escalation of forces positively contributed to a reduction in civilian

casualties by pro-Government Forces over the year.

- Bi-annually, OHCHR/UNAMA produced reports on the protection of civilians with recommendations for measures to reduce the impact of conflict on civilians. These reports often received worldwide media attention and raised the profile of the impact of the conflict on civilians in Afghanistan. The report has also been a strong advocacy tool for UN organizations as well as other international and national non-governmental organizations (NGOs).
- OHCHR/UNAMA's continuous engagement through meetings and workshops with tribal elders and religious leaders who have some access to anti-Government elements has encouraged the Taliban to be more proactive in their public statements and communicate in a way that shows greater consideration for the protection of civilian issues during their military operations. The Taliban have increasingly responded to OHCHR/UNAMA statements and proposed to form an investigating committee comprised of international military, UN and Taliban representatives to investigate protection of civilian incidents. Despite these public commitments, anti-Government elements have not adhered to the provisions of international humanitarian law and continue to carry out indiscriminate attacks against civilian targets, including hospitals and religious sites.
- OHCHR/UNAMA's systematic monitoring of detention facilities and the subsequent release of a public report on issues of ill-treatment and torture in Afghan-run detention facilities made a major impact on the operations of both national

and international security agencies and was welcomed by civil society actors. Government and international security forces made immediate changes to their public policies on detainee treatment and prevention of torture. In addition, a system for tracking detainees and their treatment was introduced by ISAF to ensure that detainees are treated appropriately when they are handed over to national authorities. Although overall rule of law reform has progressed slowly in Afghanistan, the Government implemented some of the recommendations regarding detention and fair trial guarantees during the year. In December 2010, the National Directorate of Security (NDS) established an Internal Oversight Commission. In addition, an external oversight of the Afghan National Police (ANP) is currently being developed by the Afghanistan Independent Human Rights Commission. Finally, the Ministry of Justice has initiated the revision of both the Criminal Procedure and Penal Codes. OHCHR/UNAMA advocated with the Government in relation to the recommendations made in the Arbitrary Detention Verification Campaign (ADVC) report which it reinforced with a follow-up report on treatment of conflict-related detainees held by the NDS and the ANP.

- ▶ As a member of the Criminal Justice working group, OHCHR/UNAMA provided comments on the draft Criminal Procedure Code in line with international human rights standards. OHCHR/UNAMA also regularly participated in taskforce meetings for the drafting of the National Priority Programme (NPP) on Law and Justice, and together with the European Union Police Mission in Afghanistan (EUPOL) and other development agencies, provided trainings for law enforcement agencies on detention and fair trial rights.
- ▶ In September 2011, the Government approved a by-law regulating the operation of the Women's Protection Centres for vulnerable women and girls facing violence and abuse. OHCHR/UNAMA, in cooperation with civil society, the Afghanistan Independent Human Rights Commission and the United Nations Country Team (UNCT) advocated with the Government to ensure that the by-law was in line with human rights standards. Repeated joint advocacy and engagement led to the incorporation of positive amendments. The approved by-law safeguarded the fundamental human rights of women exposed to, or at risk of, violence, including the right to privacy, access to adequate healthcare and social and legal support.
- ▶ Effective implementation of the 2009 Law on the Elimination of Violence against Women (EVAW) is the key to ending violence against women and

girls, including harmful traditional practices in Afghanistan. The results of OHCHR/UNAMA's systematic monitoring and documentation of harmful traditional practices and the implementation of the EVAW Law were presented in a public report which provided a clear picture of the positive progress achieved and remaining gaps in implementing the Law. The Government and civil society took preliminary steps to implement some of the key recommendations. OHCHR/UNAMA supported provincial governors and provincial departments of women's affairs to establish and strengthen provincial commissions for the prevention of violence against women. OHCHR/UNAMA's support helped the commissions to carry out their mandates of coordination with governmental and non-governmental institutions on cases of violence against women. OHCHR/UNAMA conducted awareness-raising activities and trainings for women's groups, students, religious leaders, judges, prosecutors, police and journalists on the EVAW Law. Increased awareness encouraged ordinary women to come forward to seek assistance and make use of the criminal justice system and at the same time, motivated law enforcement officials to use the EVAW law more effectively.

- ▶ In September 2010, a Human Rights Support Unit was established within the Ministry of Justice to strengthen the Government's capacity to fulfill its international human rights obligations laid down in Afghanistan's Constitution and in accordance with the human rights treaties it has ratified. In collaboration with UNDP, OHCHR/UNAMA supported the establishment of the Unit throughout 2011. The Office also conducted trainings on the human rights-based approach for newly recruited staff and provided policy advice and technical advice to the Unit for the development of an action plan to implement Universal Periodic Review (UPR) recommendations.

### **State engagement with human rights mechanisms (EA 6)**

- ▶ In 2011, the Government of Afghanistan submitted its first periodic report to the Committee on the Elimination of Discrimination against Women (CEDAW). The report will be considered by the Committee in 2012. Together with UN Women, OHCHR/UNAMA provided support to the Human Rights and Women International Affairs Division of the Ministry of Foreign Affairs in drafting its State Party report.

## Human rights mainstreaming within the United Nations (EA 11)

- ▶ OHCHR/UNAMA actively participated in the United Nations Development Assistance Framework (UNDAF) process, especially in relation to monitoring and evaluation, to advocate with UN agencies for the integration of human rights into their country programming and implementation efforts. Continued engagement in this regard ensured that UN agencies increasingly incorporated human rights principles in their programmes.
- ▶ To bring coherence to UN programme delivery efforts, UN agencies and the Department of Peacekeeping Operations (DPKO) drafted the Integrated Strategic Framework (ISF) in June 2011. OHCHR/UNAMA led the drafting process. Its direct engagement in the process ensured that human rights is now one of the key priority areas. In 2012, OHCHR/UNAMA will focus its activities on the effective implementation of the ISF.

and reconciliation efforts. Intensification of the conflict, however, restricted the access and movement of human rights officers in day-to-day operations. UNAMA's Northern Region Office in Mazar-i-Sharif, for instance, remained closed for three months after it was attacked in April (one human rights officer died in the attack), resulting in a dramatic winding down of activities in the northern region over an extended period.

In 2011, staff turnover also affected programme implementation. Several experienced human rights officers left the mission at the same time that a hiring freeze was instituted. Insecurity and the attacks against the UN offices in Mazar-i-Sharif, Herat and Kandahar made it difficult to recruit new staff. These human resource constraints also made it difficult to maintain a comprehensive range of priority issues and fully implement the human rights programme.

OHCHR/UNAMA's systematic monitoring and reporting combined with targeted advocacy on key priority areas, including protection of civilians, violence against women and detention demonstrated the value of facilitating effective changes on the ground and improving human rights awareness and protection.

## Challenges and lessons learned

The intensification of the conflict forced UNAMA to intensify its activities, focusing on the protection of civilians, the root causes of the conflict and peace

### Working with religious leaders to eliminate violence against women

During Friday prayer services, some religious leaders and Mullahs in the south-eastern region have begun preaching against existing harmful traditional practices and in favour of women's rights. This came about following OHCHR/UNAMA's efforts at the community level to facilitate discussions on traditional customs with regards to women and the interpretation of Islam.

Harmful traditional practices, such as child marriages, exchange marriages, honour killings and the trading of girls to resolve disputes (*baad*) are major human rights concerns in Afghanistan. Although some of these practices are inconsistent with Sharia law, national and international law, many Afghans, including some religious leaders, reinforce these harmful customs by invoking their particular interpretation of Islam. As religious leaders have great

influence in Afghanistan and can be useful in changing perceptions and societal attitudes on violence against women and harmful traditional practices, OHCHR/UNAMA initiated a project in the south-eastern region to focus on building partnerships with the Department of Hajj and Awqaf and the Ulema Shuras.<sup>4</sup> This region is among the most conservative in the country and has had the greatest increase in insurgent activity and violence over the last year, making the combating of violence against women particularly challenging and a matter of the utmost urgency.

In its first phase, together with the Department of Hajj and Awqaf, the Office organized regular meetings and roundtable consultations with religious leaders to discuss women's rights issues. The objective of the meetings was to provide a means of follow-up and allow the religious

community to express their views on and understanding of women's rights issues. It also helped to build rapport with religious leaders for further engagement by focusing on issues they were willing to discuss.

In the second phase, respected and progressive scholars on Islam worked directly with the Imams and religious leaders to demystify some of the concepts they had understood regarding Islam and women's rights. Use of progressive scholars helped to initiate positive dialogue on women's rights issues and minimize the influence of outspoken critics opposed to social and legal reforms developed to bring an end to harmful traditional practices. OHCHR/UNAMA also conducted radio discussion programmes with religious leaders and progressive scholars to promote positive views on women's rights issues.

<sup>4</sup> Religious councils.

## United Nations Integrated Mission in Timor-Leste

Year established	The Human Rights and Transitional Justice Section was established in 2006 as an integrated component of the United Nations Integrated Mission in Timor. OHCHR has had a presence in Timor-Leste since 2001.
Staff as of 31 December 2011	49

### Background

Timor-Leste's political and security situation has improved since the 2006 crisis and significant advances have been made in the field of human rights, although challenges remain. In March 2011, primary responsibility for the conduct of all police operations was transferred from the United Nations Police (UNPOL) to the Timor-Leste National Police Force (PNTL). While key justice sector institutions have been created, a large part of the population does not benefit from services of the formal justice system and the capacity of justice actors needs further strengthening. The next test will come with the presidential and parliamentary elections that will take place in 2012 and the expected withdrawal of the United Nations Integrated Mission in Timor-Leste (UNMIT) at the end of 2012.

Accountability for the events of the 2006 crisis has not been fully realized. Although several convictions were handed down in 2010 and the Government provided compensation to some of the victims, the pending cases and investigations have not progressed substantially in 2011. Very modest progress has been made in terms of accountability for human rights violations committed in 1999. Two former militia members were indicted (one of whom was tried and convicted) for crimes against humanity in the form of murder. Weaknesses in the system remain apparent as evidenced by the fact that the convicted militiaman escaped custody and his current whereabouts are unknown.

OHCHR is present in Timor-Leste as a component of UNMIT. The Human Rights and Transitional Justice Section (HRTJS) of UNMIT carries out multifaceted programme activities including monitoring and reporting on the human rights situation as well as the provision of technical assistance and advice and capacity-building initiatives for representatives of State institutions and civil society organizations. The Section's broad-based mandate also encompasses security sector reform and transitional justice. In addition, OHCHR co-leads the Protection Cluster for

humanitarian response. OHCHR is currently engaged in discussions with the Government and UN partners on possible forms of a human rights presence after UNMIT is phased out in December 2012.

### Results

#### National laws, policies and institutions (EA 1)

- ▶ The Law against Domestic Violence was adopted by the National Parliament on 3 May 2010 and entered into force on 8 July 2010. The Law provides a framework for the Government, police and community to respond to domestic violence and is largely in compliance with international human rights standards. Domestic violence is still the most reported gender-based violence-related crime and among all crimes, is second only to common assault. HRTJS participates in the UN Gender-Based Violence Working Group which monitors and promotes implementation of the Law. In addition, HRTJS continued to monitor gender-based violence cases by inquiring about follow-up with the Prosecutor's Office and in courts. HRTJS also refers victims of gender-based violence to referral networks.
- ▶ As of the end of 2011, the draft land law, the Special Regime for the Determination of Ownership of Immovable Property, had not yet been adopted. The draft law is largely in compliance with international standards, ensures that women have the right to own property and prohibits any form of discrimination. HRTJS provided comments to the draft law based on the Pinheiro Principles and emphasized the importance of co-ownership as it provides greater economic empowerment for women and enhances development in rural communities. The draft law was discussed in Parliamentary Committee A in October 2011 and is scheduled for further discussion in the Plenary Session in February 2012. The Minister of Justice allocated funds from the 2012 budget for the implementation of the law.
- ▶ During 2011, the *Provedoria* for Human Rights and Justice (PDHJ), Timor-Leste's national human rights institution (NHRI), carried out monitoring activities and reported on selected human rights issues. The monitoring and reporting was undertaken based on identified priorities and human resources as well as financial and technical capacities, although the level of compliance of authorities with PDHJ's recommendations remained low. OHCHR contributed to the PDHJ's Capacity-Building Development project, led by UNDP, with two HRTJS staff, a national and an international officer, who continued to be located at the *Provedoria's* Office. The PDHJ operated in accordance with the



Launch of the Report on the Rights of Persons with Disabilities in Timor-Leste, September 2011.

Paris Principles and was able to retain its “A” status with the International Coordinating Committee for NHRIs. Deficiencies in the financing of the PDHJ, however, had an impact on the capacity of the organization to respond to urgent issues in a timely and efficient manner.

- ▶ During 2011, the new National Commission on the Rights of the Child issued its first public report based on consultations with children, parents, school personnel and Government officials that were held throughout the country from 2010-2011. The report was disseminated and the findings and recommendations were presented to the Government and civil society actors and opened for discussion at a public ceremony. HRTJS provided human rights training and financial support to the Commission. In November and December 2011, the Commission collaborated with UNICEF and HRTJS to promote birth registration for children of all ages. HRTJS provided financial and technical assistance, including for outreach in Oecusse, broadcast radio programmes and disseminated pamphlets.
- ▶ During 2011, HRTJS highlighted 61 cases through a monthly reporting mechanism to the Prime Minister. HRTJS also assisted victims to file complaints with police disciplinary mechanisms

and the judicial system. The majority of these cases are pending and the Government’s response cannot yet be determined.

### **Justice and accountability mechanisms (EA 3)**

- ▶ The draft laws on the follow-up institution to the Commission for Reception, Truth and Reconciliation (CAVR - *Comissão de Acolhimento, Verdade e Reconciliação*) (named the Public Memory Institute in the current draft) and the reparations scheme were adopted in the first and second readings in 2010. Although the third reading has been pending since that time, however, in December 2011, it was announced that it will take place in February 2012. HRTJS provided technical and financial assistance for the drafting of both laws, support for the creation of a national victims’ association and advocated for the adoption of the draft laws.
- ▶ The Government made further progress in developing the legislative and policy framework for the PNTL, in particular with regard to disciplinary mechanisms. On 3 August 2011, the Council of Ministers approved a decree-law to amend the current legal framework on the PNTL disciplinary mechanism. UNMIT provided support for the drafting of the decree-law. In September 2011,



the draft was returned to the Superior Council of Security and Defence for further discussion. At the end of 2011, the draft decree-law was submitted to the Secretary of State for Security for further review, together with another draft under consideration.

#### **Access to Basic Services (EA 4)**

- ▶ Forum-DESK (Forum on Economic, Social and Cultural Rights), a national non-governmental organization (NGO), conducted targeted advocacy on the right to education. The advocacy developed out of monitoring it had conducted in 2010 in one subdistrict of the country as well as a seminar it had organized in May 2011 included the participation of, among others, Members of Parliament, the Ministry of Education, local authorities and civil society. In response to the concerns raised, the Ministry of Education included the rehabilitation of four schools in the subdistrict in its 2012 programme. The HRTJS has provided technical and financial support to Forum-DESK since 2009, including through training on international human rights standards, guidance on monitoring and data gathering for the research and comments on the research report.

#### **Participation (EA 5)**

- ▶ During the year, five NGO partners of the HRTJS conducted 16 human rights sessions at the community level in six districts in the country. These sessions included theatre performances about children's rights, rights of persons with disabilities, the domestic violence law and the legal process for cases of domestic and gender-based violence. As a result of the programmes, in several instances of alleged human rights abuses, victims requested the assistance of partner NGOs and concerns were raised or complaints filed with relevant authorities. A total of 944 community members, including local authorities, participated in the different sessions (407 of whom were women).
- ▶ In 2010-2011, the Housing Rights Network conducted research on the housing situation in Timor-Leste in 10 villages across five districts of the country. The HRTJS provided technical and financial support for the research, accompanied monitoring activities, advised on questionnaires for data-gathering and commented on the research report. The research concluded that housing conditions are inadequate due to, among other things, insecurity of land tenure, an increase in the number of habitants per home, deteriorating physical conditions of the homes and the impact of climate change. The main

findings of the research were shared in a seminar organized by the Network with authorities, civil society and other relevant stakeholders. The initiative and findings of the Housing Rights Network had a significant impact and was referred to in the national media. The Government actively participated in two follow-up seminars during which the research findings were discussed. The Government invited the Housing Rights Network to visit the first Suco which is scheduled to benefit from the Government's so-called Millennium Development Goal Suco programme. Under the programme, five houses will be built per year for the next five years for the most vulnerable persons in each Suco.

#### **State engagement with human rights mechanisms (EA 6)**

- ▶ The Government submitted its report for the Universal Periodic Review (UPR) process on time, after conducting countrywide consultations to gather necessary data. Out of 125 recommendations, Timor-Leste accepted 46 and rejected one. It considered that 42 had already been implemented or were in the process of being implemented. Thirty-six recommendations will be examined and responded to at the Plenary of the Human Rights Council in March 2012. The HRTJS provided technical and financial assistance, including through training for the preparation of reporting guidelines and a questionnaire for data gathering.
- ▶ In March 2011, the PDHJ, with the technical support and assistance of the HRTJS, submitted a joint report with 55 civil society organizations (CSOs), for the Universal Periodic Review. The stakeholders undertook a comprehensive review of the State of Timor-Leste's level of compliance with the human rights treaties it has ratified and made concrete recommendations on ways to improve the present situation.

#### **Human rights mainstreaming within the United Nations (EA 11)**

- ▶ In September 2011, HRTJS launched the first public report by a peacekeeping mission on the rights of persons with disabilities. The objectives of the report were to mainstream the rights of persons with disabilities into routine human rights work, create opportunities for persons with disabilities to participate in human rights activities and advocacy and raise awareness about the rights of persons with disabilities through public reporting and advocacy. The report reflected long-term research undertaken by HRTJS, including extensive research conducted in 2011. The findings and recommendations are being

used to facilitate discussion on how Government, civil society and international actors can work together to promote and protect the rights of persons with disabilities.

- ▶ As the lead of the national Protection Cluster, HRTJS raised awareness and promoted land and housing rights at Protection Cluster meetings, including by preparing a joint letter to national authorities expressing concern over recent cases of forced evictions. Based on information gathered in monitoring, cases were referred to the relevant authorities and HRTJS provided technical support to advocacy efforts undertaken by national actors.

### Challenges and lessons learned

HRTJS led the UN system transition planning for the rule of law, justice and human rights sector in partnership with the Ministry of Justice. In order to

help address the main human rights challenges, the Government of Timor-Leste requested a continued field presence of OHCHR after UNMIT withdraws in 2012.

An OHCHR assessment mission in October 2011 suggested a continued OHCHR presence with a possible mandate focused on human rights monitoring and reporting, capacity-building and institutional support, as well as transitional justice. This would be carefully aligned with the Joint Transition Plan, signed by the Government of Timor-Leste and UNMIT and address most of the UPR recommendations issued in relation to Timor-Leste at the Human Rights Council in 2011. Discussions are ongoing within the UN system and with the Government on the appropriate form of post-UNMIT UN engagement, including in relation to human rights.

#### Pilot project on economic, social and cultural rights

In a pilot project focusing on economic, social and cultural rights (ESCRs) conducted by UNMIT-HRTJS, one village was equipped with sanitary facilities and trained on maintenance. After an assessment, the Lontas village in the Bobonaro District was identified as the poorest in terms of accessibility and availability of basic services.

Through regular focus group discussions facilitated by the Section, priorities were identified by the community and access to sanitation was deemed to be the most critical. During 2011, the HRTJS conducted meetings with local authorities and NGOs to assess their expertise and capacity to respond to the sanitation needs of the community. As the Government was unable to carry out the required tasks, CARE International volunteered to provide technical support to build, use and maintain latrines. In September 2011, CARE conducted a training session for the community in the presence of local authorities, including an official from

the Water and Sanitation Department. As of the end of 2011, the community had constructed two public toilets (one for men and one for women) with universal access while at least five households had started building private toilets. Moreover, CARE agreed to extend its support to the pilot project in 2012 and will continue to provide

technical support for household toilet construction as well as training to the community on building latrines, their use and maintenance. The HRTJS will ensure community participation and provide financial support to purchase the required materials for the construction of the latrines. The project will continue until at least June 2012.



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## Human Rights Advisers to UN Country Teams

### Papua New Guinea

Year established	2008
Staff as of 31 December 2011	1

### Background

Papua New Guinea (PNG) is a multiparty democracy with constitutional protection for human rights and a State Party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The country has increased its cooperation with the international human rights mechanisms in the last few years, as evidenced by its review by the CEDAW Committee in 2010, the mission of the Special Rapporteur on torture in 2010 and PNG's Universal Periodic Review (UPR) in 2011. In spite of its legal framework of protection, implementation remains a key concern. Human rights violations by the police and correctional services are compounded by poor prison conditions and lengthy pre-trial detention. Violence against women is widespread in the home and is also perpetrated by State actors. There are very high rates of rape and violent crime as well as ineffective protection by law enforcement agencies. Insufficient resources, widespread corruption and the absence of a determined political leadership have compounded law and order problems in the country. The continued tribal conflicts, vigilantism and lack of protection by the State have augmented security concerns. More than one third of Papua New Guineans live in poverty with some of the highest rates of child and maternal mortality in the region.

A Human Rights Adviser (HRA) has been working with the United Nations Country Team (UNCT) in Papua New Guinea since 2008. OHCHR is providing technical assistance to the UNCT, the Government and strengthening the capacity of civil society to defend human rights.



Human Rights Film Festival in Papua New Guinea, December 2011.

### Results

#### National laws, policies and institutions (EA 1)

- ▶ The Royal Papua New Guinea Constabulary (RPNGC) increased its actions to investigate cases of police violence and hold perpetrators accountable. Throughout the year, the Police Commissioner and senior police officials issued public statements reiterating that 2011-2012 would be years of discipline. Advocacy by OHCHR and the recommendations of the Special Rapporteur on torture have contributed to this result. Furthermore, the Office supervised a human rights needs assessment of the RPNGC which will inform the next phase of the UN and RPNGC human rights capacity-building project in 2012. The project aims to increase the level of compliance of law enforcement with international human rights standards.

- ▶ OHCHR provided technical assistance for the drafting of the enabling law in 2009-2010 and advocated throughout 2011 for the establishment of a national human rights commission to be made a national priority and submitted to Parliament for consideration. The Minister of Justice and the Minister of Community Development have not yet submitted the enabling legislation to the National Executive Council and Parliament.

#### **Ratification (EA 2)**

- ▶ The Government signed the Convention on the Rights of Persons with Disabilities (CPRD) in 2011 and is considering ratification following OHCHR's training for Government officials on the importance of the treaty. Following OHCHR's advocacy, the Government is studying the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment and considering its ratification.

#### **Participation (EA 5)**

- ▶ OHCHR created a Quarterly Human Rights Forum for enhanced dialogue on human rights and engagement with Government policymakers to advance the human rights agenda and promote the participation of civil society and other stakeholders. OHCHR also developed a communications strategy to advocate for greater human rights protection in PNG and disseminate information about human rights to the general public. This was done by strengthening networks of contacts, making use of the media, creating a website and holding an annual PNG human rights film festival. These outreach activities significantly improved access to human rights information and opportunities for public dialogue on how to advance the human rights agenda.

#### **State engagement with human rights mechanisms (EA 6)**

- ▶ In 2011, the Government submitted its report to the UPR following technical assistance provided by OHCHR at all stages of the process, including the organization of a mock UPR session in PNG for the delegation. The Government also prepared an action plan to implement the concluding observations issued by the CEDAW Committee, with the support of the UN.

#### **Civil society engagement with human rights mechanisms (EA 7)**

- ▶ Three civil society reports were submitted to the UPR following OHCHR's training on monitoring, documenting and reporting on human rights.

- ▶ An increased number of individual cases were submitted to special procedures under the communications procedure. As a result, four communications were sent to the Government of PNG in 2011, following OHCHR mentoring and facilitation.

#### **Human rights mainstreaming within the United Nations (EA 11)**

- ▶ The UNCT integrated international human rights standards and principles into the new United Nations Development Assistance Framework (UNDAF) 2012-2015 following support by OHCHR, including training on human rights-based approaches to development. OHCHR also led the development of a four-year human rights strategy for the UNDAF and continued to chair the UN Human Rights Task Team.

### **Challenges and lessons learned**

Continued political instability in Papua New Guinea led to frequent changes in Government ministries and portfolios. This presented a challenge to strengthening the national human rights protection systems and progress on legal and institutional reforms was delayed. A proposed visit by the High Commissioner in May 2011 was also postponed.

The impact of the HRA's deployment was enhanced with consistent support from the OHCHR Regional Office in Suva, including missions by the Regional Representative and Regional Gender Adviser. The thematic focus of the HRA's activities was closely aligned with OHCHR's broader thematic priorities in the region and their work in PNG was often integrated into broader regional initiatives. During 2012, OHCHR will explore possibilities for strengthening its programme and presence in PNG.

#### **Sri Lanka**

Year established	2004
Staff as of 31 December 2011	4

#### **Background**

More than two years after the end of the armed conflict in May 2009, major human rights challenges remain. By the end of 2011, the majority of the 280,000 internally displaced persons (IDPs) that had been displaced at the end of the war had left the main camp at Menik Farm. Nevertheless, these IDPs continued to face considerable challenges due to an absence of permanent shelter and livelihood options

as well as limited access to services such as health care and education. While the state of emergency (SOE) was allowed to lapse on 30 August 2011, the Prevention of Terrorism Act, which impinges on civil liberties, remains on the statute books. Journalists and human rights defenders report ongoing instances of intimidation, threats and violence. The Government appointed a Lessons Learnt and Reconciliation Commission (LLRC) which reported in December 2011, but issues of accountability for past violations remain unresolved. The Government promised to initiate political dialogue to respond to minority grievances and demands and address the root causes of the armed conflict.

New commissioners were appointed to the Human Rights Commission in February 2011 and steps were taken to re-establish its functioning with assistance from OHCHR, the Asia Pacific Forum (APF) and UNDP. The Government finalized its first national human rights action plan in September 2011.

OHCHR has had a Senior Human Rights Adviser (HRA) based in Sri Lanka since June 2004. While the HRA's core work has been to provide support to the United Nations Country Team (UNCT), the HRA also works on a number of areas of technical cooperation with the Government. This includes supporting the Human Rights Commission (HRC) and providing police training in order to improve their investigative capacities and prevent torture.

## Results

### National laws, policies and institutions (EA 1)

- ▶ After a year and a half without commissioners in the Human Rights Commission of Sri Lanka, five new commissioners were appointed in February 2011. Although the HRC component of the UN Joint Programme on Human Rights has been ongoing since 2008, the arrival of the new commissioners and their active engagement with the project, as well as with OHCHR and the Asia Pacific Forum, enabled the project to dramatically increase its scale of support and activities. In addition, the commissioners agreed to two external OHCHR/APF/UNDP activities, including

a high-level dialogue and full capacity assessment scheduled for 2012.

- ▶ Following up on its voluntary commitments undertaken during its 2008 Universal Periodic Review (UPR), the Government of Sri Lanka developed a National Human Rights Action Plan (NHRAP) which was officially approved in September 2011 and launched in January 2012. Through the UN Joint Programme on Human Rights, the HRA provided good practices and guidelines on the process of developing the NHRAP and UNDP provided funding to support its development.
- ▶ The Inspector General of Police approved the comprehensive training curriculum and lesson plan for the core human rights training programme of the Sri Lankan police. It was translated and printed in Sinhala, Tamil and English. The training-of-trainers on human rights and policing held by OHCHR in 2009 formed the basis for these training materials.

### Human rights mainstreaming within the United Nations (EA 11)

- ▶ OHCHR continued to play an active role as a member of various inter-agency fora which address human rights and protection issues, such as the IDP working group and advisory task force, the 1612 Task Force on Children in Armed Conflict, the gender-based violence forum and the working group on disarmament, demobilization and reintegration.
- ▶ Drafting of the new United Nations Development Assistance Framework (UNDAF) (2013-2017) began in 2011 and OHCHR worked throughout the process to advise on a human rights-based approach which was endorsed by the UNCT.

## Challenges and lessons learned

During 2011, the Human Rights Adviser continued to develop areas of collaboration with Government partners, notwithstanding the sometimes difficult engagement between the Secretary-General and High Commissioner and the Government in relation to accountability issues.