

OHCHR in the field: Americas



| Type of presence | Location |
|--|---|
| Country offices | <ul style="list-style-type: none"> ● Bolivia ● Colombia ● Guatemala ● Mexico |
| Regional offices | <ul style="list-style-type: none"> ● Central America (Panama City, Panama) ● South America (Santiago de Chile, Chile) |
| Human rights component in UN Peace Mission | <ul style="list-style-type: none"> ● Haiti |
| Human rights advisers in UN Country Teams | <ul style="list-style-type: none"> ● Ecuador ● Honduras ● Paraguay |

OHCHR continued to engage with countries in the American continent from headquarters in Geneva, the New York Office, and its 10 field presences: two regional offices (Panama City and Santiago de Chile); four country offices (Bolivia, Colombia, Guatemala and Mexico); three Human Rights Advisers (HRAs) (Ecuador, Honduras and Paraguay); and one human rights component in a peace mission (Haiti), where OHCHR continued its leadership of the Protection Cluster in the context of the humanitarian response. In addition, a human rights officer in Barbados provided support to the United Nations Country Team (UNCT), the Government and civil society on the implementation of Universal Periodic Review (UPR) recommendations.

The work of OHCHR in the Americas continued against a backdrop of consolidated democracies, solid legal frameworks and engaged civil society. The past biennium also showed a tendency towards a shrinking of democratic spaces and the weakening of key democratic institutions in several countries. Significant progress has been made, particularly in South American countries, in the reduction of extreme poverty, hunger, malnutrition and infant mortality, and some economies have registered important growth rates. Yet high inequality persisted and a significant percentage of the population – especially indigenous peoples and Afro-descendants – remained vulnerable to economic turmoil. A growing social movement demanding more from their democracies – greater participation, transparency and access to rights, especially economic, social and cultural rights – also emerged. The boom in extractive industries and manufacturing continued to raise human rights concerns, especially in relation to indigenous peoples, and led to violence and human rights violations in a number of cases in several countries.

Impunity and strengthening the rule of law remained as priorities for OHCHR in the Americas, with a particular focus on transitional justice, freedom of expression and situations of violence, conflict and insecurity. The Office continued its work on protection mechanisms for journalists and human rights defenders, especially in Colombia, Guatemala and Mexico, ensuring that laws and policies relating to public security adhere to human rights standards and that there are no setbacks in the protection of human rights in the name of security. Close work also continued with sub-regional organizations, such as the Common Market of the South (MERCOSUR) and the Central American Integration System (SICA).

Transitional justice continued to register gains, as evidenced by the first ever genocide conviction of a former Head of State in a national court - in Guatemala. Nevertheless, the overturning of the verdict on procedural grounds and similar decisions demonstrated the extent to which judiciaries throughout the region are in need of strengthening. Thus, most field presences, supported by headquarters, devoted a significant amount of time and energy on strengthening justice and the rule of law with an emphasis on transitional justice, impunity, the functioning of the justice system and harmonization of legislation and jurisprudence with human rights standards.

Throughout 2013, building on its work undertaken in 2012, OHCHR promoted wider use of and engagement with the UN human rights mechanisms throughout Latin America, in the Caribbean and the United States where ratification rates are lower and few national human rights institutions operate in compliance with the Paris Principles. The partnerships established in recent years with UNCTs in the Caribbean were strengthened and resulted in greater collaboration on human rights-related issues, especially in Jamaica.

In addition, during the reporting period, the Americas Section, made up of 13 staff members, continued to provide administrative, programmatic and substantive support and advice to the 10 presences and the human rights officer in Barbados. The Americas Section also supported the new Independent Expert on the situation of human rights in Haiti, who took office in mid-2013. Furthermore, to advance human rights in the region, the Section maintained close contacts with regional organizations, especially with the Inter-American Commission on Human Rights, as well as with UN departments and agencies, governmental institutions, national human rights institutions, members of parliament, civil society organizations, academia and human rights activists.

Country Offices

Bolivia

| | |
|------------------------------|---------------|
| Year established | 2007 |
| Staff as of 31 December 2013 | 22 |
| Expenditure in 2013 | US\$1,213,673 |

Results

National laws, policies and institutions (EA 1)

- ▶ *National EA: Increased compliance with human rights standards by the judiciary, the Ministry of Justice and the General Prosecutor's Office.* The Comprehensive Law on Guaranteeing Women a Life Free from Violence in Bolivia (Law 348) was promulgated in March 2013. The Law broadens protection of women against various forms of violence, makes femicide a criminal offence and establishes the eradication of violence against women as a priority of the State. OHCHR provided technical assistance



OHCHR workshop on the right to prior consultation in Alto Parapeti, Bolivia.

during the drafting process; contributed to the increased capacity of the judiciary to implement the Law; and has been working with judiciary partners on the creation of special courts and prosecutor's offices to deal with cases of violence against women. Regarding the Plurinational Constitutional Court, the Office has undertaken a number of activities which contributed to: the elaboration of the manual on procedural management; the increased transparency of the Court through the development of institutional communication policies and the design of a communication campaign; and the establishment of a coordination structure with indigenous authorities. These activities resulted in the Court's increased compliance with international human rights standards. In relation to the General Prosecutor's Office and the Ministry of Justice, their capacity to implement policies on criminal justice was strengthened through the revision of the Criminal Procedural Code and the elaboration of an institutional strategic plan for the General Prosecutor's Office. The Office also provided technical assistance to the School of Judges for the review of the training curriculum for judges and prosecutors. As a result, human rights approaches and specific subjects on international and regional human rights protection systems were incorporated into the curricula.

- ▶ *National EA: The Criminal Code, the Criminal Procedural Code and legislation on women and indigenous peoples are increasingly compliant with international human rights standards.* In 2013, the Comprehensive Law Guaranteeing Women a Life Free from Violence was adopted, in line with the Constitution and recommendations from the Committee on the Elimination of Discrimination against Women (CEDAW). The Office provided technical assistance to the

Alliance for the Legislative Agenda for Women in the drafting and revision of the Law. The Office also supported the implementation of the Law in its first phase by training 592 judges and prosecutors to enable them to provide immediate assistance to victims of violence. In addition, OHCHR met on several occasions with the Reviewing Commission of the Criminal Procedural Code and provided comments on the different versions of the proposed bill to increase its compliance with international standards. The new Criminal Procedural Code is expected to be promulgated in 2014.

Combating discrimination through education in Bolivia

A large majority of the Bolivian population are members of indigenous communities. Yet indigenous peoples and Afro-Bolivians have historically been the victims of deeply entrenched discrimination and racism. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Bolivia in September 2012. While he welcomed the Government's legal and institutional efforts to combat racial discrimination, including through the adoption of the Law against Racism and All Forms of Discrimination, he also drew the attention of the authorities to the State's insufficient capacity and resources to effectively implement the existing legislation.

As part of the Bolivian Government's efforts to combat discrimination, a new Master's Programme on the Prevention of Racism and Discrimination has been developed by the National Committee against Racism and All Forms of Discrimination, the Vice-Ministry of Decolonization and OHCHR. The Programme aims at raising the awareness of civil servants on discrimination issues and improving their skills in the development and implementation of public policies to prevent and fight racism and all forms of discrimination. Sixty civil servants from different branches of the Bolivian Government are taking part in the first edition of the Master's Programme which will be institutionalized and made available to all civil servants in Bolivia.

Participation (EA 5)

- ▶ *National EA: Increased participation of women, indigenous peoples, Afro-descendants and persons with disabilities in the elaboration and implementation of selected public policies.* Indigenous peoples' organizations actively participated in the preparation of the draft laws on prior consultation and on protection of highly vulnerable indigenous peoples, contributing to the increased compliance of both drafts with

human rights standards. The Office also produced three legal opinions regarding the proposed law on the right to prior consultation intended to improve its compliance with international standards. In relation to the draft bill to protect indigenous peoples in situations of voluntary isolation, OHCHR formulated two legal opinions stressing the need for the State to guarantee the human rights of indigenous peoples and respect the principle of non-contact. The bill has been enacted and the new legal framework, including the protection mechanisms put in place, safeguards the individual and collective forms of life of indigenous peoples living in voluntary isolation. Civil society organizations have also revitalized the Network against Racism, which is used to exchange information on public policies and discuss issues of concern in this area, and have enhanced its engagement with the Afro-Bolivian National Council to claim their rights and fight discrimination.

- ▶ *National EA: Increased use of national protection system by indigenous peoples and Afro-descendants.*

Throughout 2013, in the context of its monitoring missions, the Office provided indigenous peoples and Afro-descendant organizations with information on existing national protection mechanisms. An informative session on the judicial system and the Ombudsman mechanisms was conducted with the leaders of the Isiboro Secure National Park and Indigenous Territory (TIPNIS), which resulted in the use of the Constitutional Court by these leaders to resolve a conflict on judicial competence. In the Alto Parapeti case, the Office provided information to the Guarani's representatives about the possibility of requesting an injunction after a private oil company had started land demarcation and fencing in the indigenous territory without previous consultation. The indigenous community, however, did not make any administrative or judicial request in this regard. In Takovo Mora, during a prior consultation process, the Ministry withdrew the initial agreement. The indigenous authorities have not made use of any national mechanisms to protect their rights in this situation.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: The executive and legislative branches implement selected prioritized UN recommendations, in particular relating to violence against children, social rights, racism and discrimination.*

A number of recommendations issued by the



OHCHR workshop on the right to prior consultation in Alto Parapeti, Bolivia.

UPR, treaty bodies and special procedures in relation to Bolivia flagged the limited quantitative information on the country's human rights situation in their country reports and stressed the need to develop indicators to better track progress of national-level human rights implementation. Consequently, in 2012, OHCHR worked in close cooperation with the Ministry of Justice and the National Institute of Statistics to develop a project to identify approximately 315 human rights indicators on six prioritized rights: food, education, health, employment, housing and the right of women to live a life free of violence. In 2013, the proposed indicators were reviewed and shared with stakeholders through the Government's webpage and in workshops held in Santa Cruz and Cochabamba. In addition, the right to water was identified as a priority area and the development of the relevant indicators started in November 2013. In terms of the National Human Rights Action Plan 2014-2018, OHCHR supported the Vice Ministry of Justice in the elaboration of the draft plan which is based on five strategic areas: civil and political rights; economic, social and cultural rights; indigenous peoples, native nations and Afro-Bolivian peasant rights; rights of persons in situations of vulnerability; and management rights. The draft plan has been shared with stakeholders through the webpage of the Ministry of Justice and it is expected to be approved in 2014. In March 2013, the Ministry of Foreign Affairs and the Vice Ministry of Justice and Fundamental Rights, with the support of OHCHR, defined a schedule of activities for the preparation of the State report in the framework of the second cycle of the UPR. In July, a meeting was organized with the participation of 150 State representatives to take

stock of the human rights situation in accordance with the 78 recommendations issued to Bolivia during its first review in 2010. Thereafter, the Vice Ministry of Justice and Fundamental Rights developed a draft report which was discussed with stakeholders at two events held in Cochabamba and Santa Cruz that were organized with the support of the Office. The State report will be finalized during the first quarter of 2014 and will be presented to the Human Rights Council in October.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *National EA: Increased number of civil society organizations making use of international human rights protection mechanisms.*

During the reporting period, a total of 30 alternative reports were submitted by civil society organizations, the national human rights institution and individuals to the following committees: CEDAW, the Human Rights Committee, the Committee against Torture (CAT) and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Regarding the UPR, OHCHR provided technical assistance to the Coalition of Human Rights Institutions, composed of nearly 300 organizations working on the promotion of human rights in Bolivia, to support the preparation of a civil society report for Bolivia's second cycle of the UPR, which will be submitted in early 2014.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *National EA: Human rights principles and standards incorporated in the work of the UNCT and selected UN joint programmes.*

The Office has coordinated with other UN agencies on the promotion of indigenous peoples' rights by regularly attending the meetings of the UN Thematic Group on Intercultural Issues and providing human rights inputs to the work of the Thematic Group. As a result, human rights norms and principles have been integrated into the work of the UNCT, in particular with regard to international standards for the right to prior consultation. Joint activities that aimed at enhancing the participation of indigenous communities in policy discussions at the national level were also carried out in cooperation with the ILO.

Bolivia: Expenditure in 2013

| | Regular budget expenditure in US\$ | Extrabudgetary expenditure in US\$ |
|----------------------------------|------------------------------------|------------------------------------|
| Personnel & related costs | - | 859,468 |
| Consultants | - | 38,691 |
| Official travel | - | 25,209 |
| Contractual services | - | 20,252 |
| General operating expenses | - | 144,463 |
| Supplies & materials | - | 4,858 |
| Seminars, grants & contributions | - | (18,894) |
| Subtotal | - | 1,074,047 |
| Programme support costs | | 139,626 |
| GRAND TOTAL | - | 1,213,673 |

Note: negative figures resulting from prior year adjustments

Colombia

| | |
|------------------------------|---------------|
| Year established | 1997 |
| Staff as of 31 December 2013 | 63 |
| Expenditure in 2013 | US\$8,134,105 |

Results

National laws, policies and institutions (EA 1)

- ▶ *National EA: The Colombian State has increased its responsiveness and accountability on international humanitarian law and human rights violations.*

National institutions showed an improvement in their response to the cases of human rights violations raised by OHCHR at the national and regional levels, in particular the National Protection Unit, the national police, the armed forces, the Ministry of Defence, the Attorney General's Office, the Victims Unit, the Land Restitution Unit, municipal governments and local ombudspersons. In a great majority of cases, action was undertaken by these institutions to address concerns raised by OHCHR. For example, law enforcement entities in the department of Antioquia dealt with all cases brought to their attention by OHCHR, most of which related to protection measures in favour of human rights defenders. In addition, all cases relating to children at risk of being recruited by armed groups in the municipality of Itüango were positively addressed by the Colombian Institute for Family Issues. During national and regional

advocacy, OHCHR raised concerns with the National Protection Unit concerning risks faced by human rights defenders. In a number of cases, the Unit adopted urgent protection measures and initiated individual and collective risk assessments for human rights defenders and civil society organizations. OHCHR and the National Protection Unit have now established a mechanism through which both entities meet on a monthly basis to specifically follow-up on cases raised by the Office. OHCHR also regularly meets with the National Human Rights Directorate within the Ministry of Defence; the Inspector General of the General Command of the Armed Forces; the Inspector General of the National Army; and the Inspector General of the Navy. While this interaction has resulted in the initiation of a number of internal investigations by relevant authorities, the cases were often closed without relevant findings or the adoption of disciplinary or preventive measures. With regard to the Attorney-General's Office, cases raised by OHCHR were often prioritized and a follow-up mechanism was established for their review on a regional basis.

► *National EA: The Ombudsman's Office increases compliance with the Paris Principles.*

Since the appointment of an Ombudsman in September 2012, his Office was reorganized to better respond to the new tasks outlined in the Victims' and Land Restitution Law. The Ombudsman's Office also began providing assistance to all victims, including those who were not defined as such by the Victims' Law. These changes were instituted following the

2012 presentation to the Ombudsman of a set of recommendations that were formulated by OHCHR on the basis of a joint assessment undertaken during 2010 and 2011. OHCHR and the Ombudsman's Office also carried out joint missions to the field aimed at strengthening the advocacy capacity of the Ombudsman and establishing homogeneous protocols and procedures.

► *National EA: Significantly improved compliance of legislation and policy with international human rights standards in prioritized areas.*

Regarding human rights public policy, the National System of Human Rights and International Humanitarian Law was established to design public policy in a comprehensive and coordinated manner. During the reporting period, the National System established seven specialized sub-systems, under the leadership of different Ministries, to work on the following themes: citizenship; culture and human rights education; civil and political rights; international humanitarian law and armed conflict; economic, social and cultural rights; justice, equality, non-discrimination and respect for identities; and foreign affairs and communication as cross-cutting priorities. OHCHR contributed to the formulation of the Law that created the National System, designed the methodology and participated in 31 of the 33 departmental fora carried out to collect the views and ideas of social organizations on the design of human rights public policy. These were compiled in a document entitled, "A proposal on Human Rights Policy 2014-2034," which was presented to the President on 10 December 2013.



The OHCHR Representative in Colombia during a monitoring mission in Valle del Cauca.

With regards to law enforcement, the Inspector General of the National Police issued specific directives to all police units to make the protection of human rights defenders one of their priorities. As part of its engagement with the police, OHCHR carried out visits to 12 departmental police stations to monitor, inter alia, the implementation of five oversight mechanisms, accountability and prevention of human rights violations, with the aim of identifying good practices and challenges in their implementation of human rights standards. In addition, the National Protection Unit became operational in 2012 and, with the assistance of OHCHR, increasingly complied with the right to protection and security for human rights defenders. Regarding the right to prior consultation, OHCHR advocated with the Heads of relevant departments within the Ministry of Interior to promote the adoption of protocols that foresee suitable procedures for engaging in consultations with indigenous communities. Despite an improvement in terms of the number of consultation processes that were undertaken, advances in policy and institutional compliance with human rights standards remained limited.

While relevant internal mechanisms to investigate alleged human rights violations in the armed forces were created in 2008, concerns remain regarding their effectiveness in establishing the truth and imposing sanctions for violations. In 2012, a specialized human rights group within the Attorney-General's Office was established, due in part to OHCHR's continued engagement with this institution. The group will provide advice to individual prosecutors throughout the country on human rights issues, particularly regarding the design and implementation of an investigation plan for specific cases, which were previously identified with OHCHR and other stakeholders. While the human rights group has proved to be a key mechanism to strengthen the response of the Attorney-General's Office to cases raised by OHCHR, progress has been limited in the investigation of human rights violations. OHCHR continued to engage with the Constitutional Court to ensure that human rights standards are adequately incorporated in the Court's decisions and, during 2012 and 2013, the Court issued a number of decisions that had a positive impact on human rights. On the proposed constitutional reform that would have expanded the scope of military justice, the Office fulfilled the Court's request for a brief and presented its observations that such a reform violated Colombia's human rights obligations under international human rights law and international humanitarian law. The Court issued its final decision in August

2013 and resolved to strike down the constitutional reform on procedural grounds. The Office also engaged with the Superior Council of the Judiciary, which is the competent judicial organ to resolve conflicts of jurisdiction between ordinary and military jurisdictions. The Office expressed concern about the increasing tendency of the Council to transfer human rights-related criminal cases to military courts, in clear contradiction with the Constitutional Court's jurisprudence and international human rights standards. Since that time, some of the Council's magistrates have begun issuing dissenting opinions and opposing the transfer of such cases.

- ▶ *National EA: A national human rights entity created to support government institutions to comply with their obligations under international human rights and humanitarian law.*

As previously explained, the National System of Human Rights and International Humanitarian Law was created with the specific responsibility to design a human rights public policy in a comprehensive and coordinated manner in accordance with international standards.

Ratification (EA 2)

- ▶ *National EA: Prioritized human rights treaties are ratified and adequately incorporated into national legislation and public policies.*

The International Convention for the Protection of All Persons from Enforced Disappearance was ratified by Colombia in 2010 and the Convention on the Rights of Persons with Disabilities in 2011. Concerning the issue of enforced disappearances, the Colombian State adopted Law 1408 in 2010, which regulates, inter alia, issues related to the search and analysis of human remains, as well as some aspects of historical memory. OHCHR provided technical advice to an inter-sectorial task force, comprised of State representatives and civil society organizations, which developed the regulation of Law 1408 currently being reviewed by the Minister of Interior. With regard to the Convention on the Rights Persons with Disabilities, the Colombian State adopted Law 1618 in February 2013, which provides certain guarantees for the realization of the human rights of persons with disabilities.

Transitional justice and accountability mechanisms (EA 3)

- ▶ *National EA: Transitional justice mechanisms progressively established and functioning in accordance with international human rights standards and best practices.*

The Victim's Law (1448/2011) provides for comprehensive reparations for victims of human rights abuses committed in the context of the

armed conflict. Regulatory decrees have been adopted during 2012 and 2013 and specific guidelines and institutional procedures related to individual and collective reparation mechanisms have been put in place. During the two years of implementation of the Law, advances have been made with regard to the functioning of reparation mechanisms due to new jurisprudence of the Constitutional Court that recognizes all victims of forced displacement, regardless of the perpetrator, for their inclusion in the official registry in the framework of the Law, thereby enabling them to access reparation mechanisms. OHCHR has also been contributing to the increased legitimacy and effectiveness of reparation measures, ensuring their link with peace and reconciliation processes and improving their sustainability and comprehensiveness. For instance, at the national level, a joint results-based mechanism is being designed with the Victims' Attention and Comprehensive Reparation Unit to implement OHCHR's recommendations. At the departmental and municipal level, OHCHR's advocacy in the municipality of Buenos Aires contributed to the decision of municipal authorities to provide the ethnic community undergoing internal forced displacement with water and sanitation supplies as well as emergency assistance as a reparation measure. In another example, the City Council of Cúcuta agreed on the cancellation of debts of families whose lands have been restituted as a reparation measure, as a result of OHCHR's direct advocacy with the Council. Additionally, due to systematic advocacy undertaken by the Office, the Government of Santander allocated financial resources in its 2014 work plan and financial projections in order to outline specific projects for the collective reparation of the community of Riachuelo. Despite these advances, OHCHR has observed an overall low level of awareness among local authorities, institutional capacities and understanding of victims' rights to humanitarian assistance, comprehensive reparation and restitution.

A number of mechanisms are now in place and functioning as reflected by the 277 rulings ordering land restitution that have been adopted from December 2011 to October 2013. Important rulings were adopted in the Municipalities of Zulia and Trujillo wherein State authorities were ordered for the first time to recognize the right to land restitution of those who were displaced by post-paramilitary demobilization groups. Their recognition as victims of the internal armed conflict enabled them to be recognized for reparation purposes and, more importantly, to be protected under the principle of non-discrimination of

victims. OHCHR also implemented a monitoring strategy on the implementation of the Law 1448/2011 within the framework of the bilateral cooperation agreement with the Land Restitution Unit. In December 2013, OHCHR shared two reports with the Unit, which incorporated a number of important suggestions, in particular regarding the implementation of Law Decrees 4633, 4634 and 4635 related to the reparation and restitution to ethnic peoples. Additionally, in order to support judges in applying the Law, OHCHR, in collaboration with the Judiciary School, elaborated a "Module on international standards applicable to Victims' Rights and Land Restitution Law" which has been included in the general curricula of the judges and magistrates in charge of land restitution processes. By the end of 2013, OHCHR was finishing a complementary module on international standards on gender and women human rights for the judges and magistrates in charge of land restitution processes. OHCHR has also contributed to enhancing coordination between regional and national institutions with a view to supporting the sustainability of land restitution and the effective exercise of economic, social and cultural rights of returned communities. For example, income generating projects have been approved for returning families in Tulapas, Santa Paula and Los Cedros, Mutatá as a result of OHCHR's targeted advocacy with relevant institutions to ensure the sustainability of the return process.

Receiving reparations, in the form of a disability pension

Carmen⁵ is a woman living with disabilities as a result of injuries she sustained in 2006 during an armed confrontation between two armed groups in a rural area of Colombia. As a victim of conflict-related violations of human rights, she is entitled to receive reparations. She is a single mother with three children, whose life considerably improved after OHCHR informed her of her rights and facilitated her inclusion in the Families in Action welfare programme through which she gained access to a subsidy. The Office further advised her on how to change her health insurance company and garnered the support of the Municipal Ombudsman and the Mayor of her town. OHCHR also worked with responsible duty-bearers to ensure that Carmen was appropriately treated as a rights-holder. In this respect, the Office requested the intervention of the Regional Ombudsman to ensure that she would receive a lifetime disability pension. The Regional Ombudsman is supporting her in the fulfilment of the necessary legal processes that will result in the receipt of her pension.

⁵ Name has been modified to protect the identity of the individual.

Participation (EA 5)

- ▶ *National EA: Rights-holders, especially groups at risk, and particularly women, increasingly use national protection systems.*

The Government's decision to regulate the right of ethnic peoples to prior, free and informed consultation was considered by indigenous, Afro-Colombian, Palenquero, Raizal and Rrom peoples as a result of 82 regional dialogues, organized and facilitated by OHCHR, which were attended by approximately 3,000 delegates from across the country. A national consensus on prior consultation was achieved and documented in OHCHR's publication, "Voices and major words on the right to consultation, and the free, prior and informed consent." Based on this document and the resulting policy recommendations, OHCHR engaged in an advocacy strategy with the Heads of relevant departments within the Ministry of Interior to encourage the adoption of protocols that foresee culturally and suitable procedures for prior consultation. Yet advances in terms of policy and institutional compliance with human rights standards remained limited. In terms of capacity-building on prior consultation, some specific ethnic groups in prioritized communities, including the indigenous Wayuu and Arhuaco peoples and the Afro-descendant communities of La Toma, were provided with technical advice and, as a result, their capacity to claim their rights was strengthened. OHCHR also supported the training on the right to prior consultation of 200 Public Ministry staff members and the municipal and regional administrations within the Caribbean, Orinoco and Pacific regions.

State engagement with human rights mechanisms (EA 6)

- ▶ Result for which no National EA was set: In the context of the second cycle of the UPR for Colombia that took place in April 2013, the Office fostered and facilitated meetings between the Government and civil society organizations to give the latter an opportunity to express their views and encourage the Government to reflect on them in the national report. OHCHR also continued to engage with relevant authorities to promote the establishment of a UPR follow-up mechanism and, as a result, the Government of Colombia requested OHCHR to assist in the elaboration of human rights indicators and plans to measure Colombia's progress on human rights issues, including in the implementation of recommendations of UPR and other human rights mechanisms.

The risks of being a proactive and committed teacher

Maria⁶ is a teacher and the principal of a school in northern Colombia. She received threats in 2006 due to her fight against the recruitment of children and adolescents by the guerrilla and against drug trafficking at the school. She was instrumental in the implementation of food assistance programmes at the school, the establishment of new curricula and the initiation of a community-based learning approach. As a result of these actions, student enrolment and attendance nearly doubled from 670 to 1,170. Continued threats forced her to request a leave of absence in 2009. Upon her return in 2012, she found that both child recruitment and drug trafficking had worsened. She resumed her programmes with positive results, leading to new threats in January 2013, when the guerrilla ordered her killing. At that point, Maria had no other option but to request a transfer to a new school. Nevertheless, Maria faced many obstacles from local authorities who opposed her transfer, despite the fact that the National Protection Unit deemed her risk to be extraordinary and that her immediate transfer was ordered by the Risk Evaluation Committee. OHCHR advocated with the competent authorities to ensure that these decisions were implemented and, as a result, the National Civil Service Commission granted her an assignment as a principal in a school in another city, along with her husband, who is also a teacher.

Colombia: Expenditure in 2013

| | Regular budget expenditure in US\$ | Extrabudgetary expenditure in US\$ |
|----------------------------------|------------------------------------|------------------------------------|
| Personnel & related costs | - | 5,581,623 |
| Consultants | - | 656,821 |
| Official travel | - | 327,443 |
| Contractual services | - | 67,928 |
| General operating expenses | - | 480,650 |
| Supplies & materials | - | 101,629 |
| Seminars, grants & contributions | - | (17,771) |
| Subtotal | - | 7,198,323 |
| Programme support costs | | 935,782 |
| GRAND TOTAL | - | 8,134,105 |

Note: negative figures resulting from prior year adjustments

⁶ Name has been modified to protect the identity of the individual.

Guatemala

| | |
|------------------------------|---------------|
| Year established | 2005 |
| Staff as of 31 December 2013 | 26 |
| Expenditure in 2013 | US\$3,391,176 |

Results

National laws, policies and institutions (EA 1)

- *National EA: By 2013, the judiciary, the Attorney-General's Office and key entities within the Executive have increased compliance of key administrative, regulatory and educational measures and decisions with international human rights standards.*

The Attorney-General's Office, the judiciary and the Constitutional Court improved in the application of international human rights standards in legal proceedings and court decisions, in particular in cases related to transitional justice and the rights of indigenous peoples. Moreover, a number of key decisions have made direct reference to international instruments ratified by Guatemala and have been informed by recommendations issued by international and regional human rights bodies. For example, during the reporting period, the Constitutional Court issued a number of rulings regarding indigenous peoples' right to consultation which were based on the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169) and on the recommendations of the Special Rapporteur on rights of indigenous peoples. The Office has been instrumental in the achievement of these results by combining monitoring with technical assistance to and the facilitation of training sessions for the Attorney-General's Office, the judiciary and the Constitutional Court. OHCHR also contributed to the development of a human rights curriculum

for all prosecutors, as well as a protocol for the investigation of cases related to human rights violations committed during the internal armed conflict. OHCHR also provided essential support for the development of a database of international standards and recommendations issued by human rights mechanisms, launched by the Constitutional Court in 2012, which has allowed easier access to international human rights standards and encouraged their incorporation in the Court's decisions. The training activities of OHCHR were also influential in relation to "high-risk" courts (which deal with cases involving, inter alia, corruption, gang-related killings, drug-trafficking and genocide). In 2013, for instance, two weeks after a seminar organized by OHCHR, a high-risk court issued a decision in a case concerning extrajudicial executions in accordance with international standards. Furthermore, the historical decision reached by a high-risk court regarding the trial of the former Head of State, Efraín Ríos Montt, and the former chief of military intelligence, José Mauricio Rodríguez Sánchez, on charges of genocide and crimes against humanity, was substantially grounded on international human rights and criminal law standards. The verdict was later overturned on procedural grounds.

- *National EA: By 2013, there are no major setbacks in compliance with international human rights standards in public security policies and programmes adopted by key institutions.* Most of the Government's public security policies and strategies in a number of relevant areas were not compliant with international human rights standards, particularly regarding the increased role of the military in citizen security tasks. The continuous engagement of OHCHR with the Government, however, guaranteed that no major setbacks took place during the biennium concerning the respect for human rights standards



OHCHR staff meet with local communities in Quiché, northern Guatemala.

in public policies and decisions. For instance, in relation to the Covenant for Security, Justice, and Peace, which defines the Government's policy with regards to the reduction of violence and the promotion of a culture of peace, OHCHR provided substantive inputs to the draft to ensure its compliance with international human rights standards. The Office's recommendations contributed to the definition of the conceptual framework of the Covenant, which incorporates notions of citizen security and prevention. OHCHR further contributed to its implementation, including by supporting the actions of the newly created Vice Ministry on the prevention of violence. The events of Totonicapán in October 2012, during which six demonstrators were killed by military forces performing public security functions, marked a turning point in the Government's security policy. In response to these events, OHCHR recommended the separation of the military from public security activities and the strengthening of the national civil police. While the first recommendation was not implemented, a number of positive steps towards the reform of the national police were undertaken. For instance, the Government established two regional offices of the Police Academy as well as a new school for police officers, leading to the incorporation of approximately 3,000 new police members in 2013. The Office provided technical recommendations to the Ministries of Interior and Defence with regard to the Government's declaration of a state of emergency to guarantee that these measures were of an exceptional nature and fully compliant with human rights standards. Following this intervention, states of emergency were proclaimed in Barillas in 2012 and in Jalapa and Santa Rosa in 2013 in the context of social opposition to development projects. These exceptional measures were not recurrent and their use was restricted when compared with previous years.

- ▶ *National EA: By 2013, key laws related to discrimination, economic, social and cultural rights, security and justice recommended by international human rights mechanisms are consistent with international human rights standards; and key initiatives that have inconsistencies with international standards are not adopted.*

Changes in the composition of various congressional commissions hindered the work of the Congress throughout 2013 which in turn limited the achievement of substantive progress with regard to the legislative agenda. Nevertheless, the Office was able to positively influence Congressional debates on a number of laws. In the case of the reform of the

Migration Law, OHCHR worked closely with the Commission on Migrants, government authorities and civil society to ensure the Law was in conformity with international standards. The inputs provided by the Office were substantially incorporated into the draft bill and included the recommendations issued by the Special Rapporteur on the human rights of migrants and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Office also contributed to halting the adoption of a reform to the Civil Code that would have lowered the age of criminal responsibility for minors, contrary to international human rights standards.

- ▶ *National EA: By 2013, key State institutions strengthen their supervision of actions taken by non-State actors that affect the full enjoyment of the rights related to labour and the rights of indigenous peoples.*

The Ministry of Labour strengthened its capacity to monitor the working conditions of agriculture workers in compliance with international labour standards by increasing the number of inspections of agricultural enterprises and developing a handbook for agricultural labour inspectors with the support of OHCHR. The Office also continued monitoring the human rights situation of agricultural workers, including women and indigenous peoples. OHCHR focused particularly on the living and working conditions of agricultural workers and on economic and social rights more broadly and brought various cases of alleged human rights violations to the attention of relevant authorities. While not all the cases raised received a positive response from the authorities, the Office's intervention, in cooperation with civil society organizations, led to encouraging changes in a number of them.

Participation (EA 5)

- ▶ *National EA: By 2013, key indigenous authorities, civil society organizations, women and human rights defenders increase the use of human rights standards to strengthen their participation in key public policies and decision-making processes and develop capacities for consistent monitoring of indigenous peoples' rights, economic, social and cultural rights, security and access to justice.*

The enhanced capacity of civil society organizations to monitor the implementation of public policies and promote policy and institutional changes has been particularly noticeable in relation to economic, social and cultural rights. OHCHR supported the 2012 establishment of a national economic, social and cultural rights civil society network which exchanges information on and

analyses relevant to the Government's budget, public policies and development strategies. Within the framework of the network, OHCHR promoted an analysis of the Government's poverty reduction strategies; the implementation of the Zero Hunger Pact; and proposed legal reforms to promote private investment in rural areas. Moreover, the Office provided technical assistance to the network on international standards, including on the UN Guiding Principles on Extreme Poverty and Human Rights; the UN Guiding Principles on Business and Human Rights; and litigation on cases related to economic, social and cultural rights. As a result of this support, the network played an influential role in advocating for Guatemala's ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights which led to the Government's submission of a legislative initiative to ratify the instrument. The network has also been involved, together with government authorities, in the elaboration of a protocol on emergency attention for children under conditions of chronic malnutrition. During this period, OHCHR also monitored the implementation of the UN Declaration on the Rights of Indigenous Peoples, in coordination with UNDP and a Guatemalan member of the Permanent Forum on Indigenous Issues. Through a participatory process that involved indigenous organizations in various regions of the country, OHCHR contributed to the preparation and publication of a report, to be submitted to the Permanent Forum, which provided a systematic analysis of the situation of indigenous peoples' rights in the country. Little progress can be reported, however, on the regulation of the right to prior consultation. While no legislation or guidelines on the subject have been approved by the Government to date, OHCHR managed to participate in a number of high-level roundtables organized by the Executive regarding specific conflicts related to development projects in indigenous territories. The participation of OHCHR in these processes is perceived as a positive sign, demonstrating that it continues to be regarded as a relevant actor.

- ▶ *National EA: By 2013, civil society organizations increase human rights legal claims to promote key changes within the national protection system, particularly regarding indigenous peoples, women and economic, social and cultural rights.* Civil society organizations, especially those representing indigenous peoples, improved their use of national protection systems as reflected, for instance, in the increased number of "amparos" (injunctions) filed by indigenous organizations during the biennium, many of which relate to the



OHCHR staff monitor the living conditions in a resettlement site in the outskirts of Guatemala City.

State's failure to consult indigenous peoples before the approval of mining operations. This increase is partly due to the implementation of the Maya Programme, through which OHCHR strengthened the technical capacity of indigenous organizations to undertake strategic litigation on cases related to their rights. By the end of 2012, for instance, 18 organizations out of the 20 that were originally supported by the Programme had initiated cases. On two occasions, cases were brought before the Inter-American human rights system. The Maya Programme also played an important role in the establishment and functioning of a support network for organizations that work on cases of indigenous peoples' rights nationwide. Further, the Ombudsman's Office was more involved in relation to specific cases brought by indigenous organizations. With the technical assistance of OHCHR, the Ombudsman's Office filed three amicus curiae briefs with the Constitutional Court in cases related to energy projects that were adopted without prior consultation with local indigenous communities.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: By 2013, relevant State institutions have increased compliance with human rights mechanisms and rights-holders have increased their engagement with these mechanisms.* The Government of Guatemala submitted all pending periodic reports to treaty bodies in 2013, in full compliance with the reporting guidelines, including the reports to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of Persons with Disabilities. In addition, the national report for the second cycle of the UPR was prepared in 2012 in consultation with civil society organizations. The Office engaged with authorities and civil

society throughout the cycle, providing technical assistance on the elaboration of the UPR report, as well as on the preparation of individual and joint submissions from civil society and the Ombudsman's Office.

Civil society engagement with human rights mechanisms (EA 7)

- *National EA: By 2013, relevant State institutions have increased compliance with human rights mechanisms and rights-holders have increased their engagement with these mechanisms.*
During 2012 and 2013, civil society organizations and individuals submitted, with the support of OHCHR, over 50 communications to special procedures, including to the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; and the Working Group on Arbitrary Detention. OHCHR also facilitated the increased engagement of civil society with treaty bodies, as a result of which at least three substantive submissions to treaty bodies were jointly produced by civil society networks, including two shadow reports to the Human Rights Committee and one to the Committee Against Torture. In addition, OHCHR provided assistance in the preparation of a submission by civil society actors to the CEDAW Committee in the context of the follow-up communication with the Government under CEDAW's 2009 concluding observations to the country. In the context of the second cycle of the UPR, 28 submissions were sent by civil society organizations with the technical assistance of the Office.

Guatemala: Expenditure in 2013

| | Regular budget expenditure in US\$ | Extrabudgetary expenditure in US\$ |
|----------------------------------|------------------------------------|------------------------------------|
| Personnel & related costs | - | 2,322,913 |
| Consultants | - | 160,727 |
| Official travel | - | 77,547 |
| Contractual services | - | 31,017 |
| General operating expenses | - | 266,317 |
| Supplies & materials | - | 28,217 |
| Seminars, grants & contributions | - | 114,303 |
| Subtotal | - | 3,001,041 |
| Programme support costs | | 390,135 |
| GRAND TOTAL | - | 3,391,176 |

Mexico

| | |
|------------------------------|---------------|
| Year established | 2002 |
| Staff as of 31 December 2013 | 21 |
| Expenditure in 2013 | US\$2,345,679 |

Results

National laws, policies and institutions (EA 1)

- *National EA: By 2013, the federal and specific states' legal framework incorporates international human rights standards in specific areas.*
The OHCHR Office in Mexico has been following up on the drafting and/or review of a number of federal and State laws, policies and procedures, including: the Victim's Rights Law; the Law for the Protection of Journalists and Human Rights Defenders; a bill on military jurisdiction; the law for the "federalization" of crimes against journalists; the decriminalization of crimes against freedom of expression; laws on enforced disappearances; the procedures for pre-charge detention ("arraigo"); and legislation related to torture, asylum, states of emergency and expulsion of foreigners. Significant progress has been achieved in a number of these areas, as seven of the above laws/policies or procedures have incorporated international human rights standards and, in certain cases, recommendations have been issued by international human rights mechanisms. Four of these laws also included a gender perspective. OHCHR contributed to these results by following up on the parliamentary process; reviewing the proposed bills; submitting legal briefs to promote the incorporation of international human rights standards; advocating for the approval of legislation; promoting communication between special procedures mandate-holders and treaty bodies members and key legislators; providing technical advice; and supporting the engagement of civil society.
- *National EA: By 2013, specific human rights training programmes are formalized based on international human rights standards.*
Two human rights training programmes, one on basic human rights principles and another on combating torture, have been institutionalized by the judiciary at the local and federal levels. For the first course, an e-learning tool called "reformaDH" was developed by the Supreme Court of Justice and the Human Rights Commission of Mexico City with the support of OHCHR. The Federal Institute of Public Defence, the Federal Judicial School and the Judiciary Power of the state of Oaxaca have integrated the tool into their regular training programmes.



The OHCHR Representative in Mexico participates in a forum on the National Human Rights Programme.

Regarding the training activities on combating torture, the Office collaborated with the Supreme Court of Justice and the Federal Judicial Council to deliver four courses on the subject in Jalisco, Chiapas, Mexico City and Chihuahua. The Office also established a mechanism to evaluate the impact of human rights training, including through the development of a set of indicators. OHCHR also collaborated with the Government of Mexico City to evaluate the impact and quality of human rights training delivered to civil servants, which contributed to the strengthening of Mexico City's Human Rights Programme.

- ▶ *National EA: By 2013, there is increased responsiveness to and accountability on human rights violations at international and national levels through monitoring, proactive presence and reporting.*

An increased openness and responsiveness from authorities to cases raised by OHCHR was witnessed during the biennium. In 2013, for instance, the Office collected information on alleged human rights violations, including to the right to life, the right to personal integrity and aggressions against human rights defenders and journalists, through 41 field missions it conducted in 18 states. The Office presented all documented cases to the Ombudsperson and to law enforcement authorities at the federal or local levels and met them when there was a need to discuss specific cases. These efforts allowed OHCHR to establish relationships of trust with authorities. In 2013, OHCHR held a series of bilateral meetings with the Ministry of Defence to strengthen their institutional relationship and during which OHCHR began discussions on paradigmatic cases.

- ▶ *National EA: By 2013, the National Human Rights Commission increases its capacity to comply with UN human rights mechanisms, including those*

related to the prevention of torture.

The National Human Rights Commission has increased its capacity to comply and engage with international human rights bodies over the biennium. For instance, it submitted inputs to a number of them and actively participated in Mexico's reporting to the UPR in October 2013. OHCHR supported the Commission on various issues, including in relation to torture and the protection of human rights defenders and journalists, through a variety of training activities, the development of indicators and collaboration in fora on human rights issues with the overall objective of strengthening its capacities.

- ▶ *National EA: By 2013, federal and local authorities incorporate human rights standards into policies and programmes, engaging civil society actors.*

The National Human Rights Programme (NHRP) for 2013-2018 will be launched in mid-2014 and outlines public policies, actions and measures to implement human rights standards in line with Mexico's international commitments. The Office reviewed the draft Programme and its inputs to ensure that the final text reflected a human rights-based approach, included the use of human rights indicators, highlighted the need to improve federal and local governmental coordination for the adequate implementation of the NHRP and stressed the importance of human rights training. At the local level, with OHCHR's assistance, a human rights assessment in the state of Oaxaca and a human rights programme in the state of Coahuila were completed.

- ▶ *National EA: Judicial authorities increasingly incorporate human rights standards in their rulings.*

Judicial authorities have increasingly incorporated international human rights standards in their rulings following the 2011 constitutional reforms

on human rights and “amparo” and seminal rulings by the National Supreme Court of Justice. OHCHR played a key role in this development by submitting eight compilations of international norms and standards to the National Supreme Court of Justice on relevant issues, including: the scope of military jurisdiction; the obligation of the State to effectively investigate and punish violence against women; temporary special measures; and liberty and the presumption of innocence. The submitted compilations informed the debate and have been subsequently incorporated in a number of judicial rulings. OHCHR has promoted the application of human rights standards in different fora, such as one jointly organized with the National Supreme Court of Justice in November 2012 which was attended by the Presidents, or their representatives, of the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court on Human and Peoples’ Rights and the Courts and Constitutional Courts of 24 countries from different regions. The Office and the National Supreme Court of Justice also published a compilation of international instruments on human rights and humanitarian law, criminal law, labour law, refugee law and environmental law, in order to facilitate the application of international standards.

Ratification (EA 2)

- ▶ *National EA: Federal authorities include in their agenda discussions on the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.* OHCHR has actively advocated for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, not yet ratified by the Government of Mexico, by undertaking several actions such as providing technical assistance to the Senate; partnering with academia and civil society organizations under the framework of a permanent campaign for ratification; and organizing a forum on access to justice on economic, social and cultural rights, together with the Supreme Court of Justice, the Judiciary Council, the Civil Society Coalition on economic, social and cultural rights and two academic institutions.
- ▶ *National EA: Federal authorities remove reservations and interpretative declarations to international treaties.* The Government of Mexico has withdrawn its interpretative declarations regarding the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the

involvement of children in armed conflict. In October 2013, the Executive Branch submitted a number of bills to the Senate regarding the withdrawal of reservations to seven international treaties, including in relation to the expulsion of foreigners and the scope of military jurisdiction on cases of enforced disappearances. OHCHR sent official letters to the Senate committees involved in the withdrawal process and has met with key Senators to further advocate for this result. In addition, the Office has mapped the status of all reservations and interpretative declarations to international treaties made by Mexico and has presented the results of this exercise to the Government and the Senate to promote the withdrawal of reservations.

Transitional justice and accountability mechanisms (EA 3)

- ▶ *National EA: Federal and state authorities increasingly institutionalize the elaboration of indicators for the measurement of human rights and their experience is used as a reference in other countries.*

OHCHR’s indicators framework has been formally adopted in 32 Justice Tribunals at the local level, including by the Superior Tribunal of Justice of Mexico City which collaborated with OHCHR to produce two new sets of indicators on the right to a fair trial. Additionally, the Tribunals of Justice in the states of Tamaulipas, Michoacan and Nayarit have published their respective sets of indicators. The implementation of indicators on the right to a fair trial has also been made compulsory at the federal level by the Supreme Court of Justice of Mexico and the Federal Judicial Council. In parallel, the General Prosecutor’s Office of Mexico City has formally adopted fair trial indicators at the stage of prosecution, which also include measures related to the rights to life, liberty and security of the person, and the right not to be subjected to torture. Two other local level Prosecutor’s Offices, in the states of Tamaulipas and Coahuila, have formally adopted indicators on the right to a fair trial. In addition, the Public Security Ministry of Mexico City has applied OHCHR’s methodology to define indicators in order to evaluate the degree of implementation of the rights to life, liberty, security, personal integrity, non-discrimination and not to be subjected to torture. During 2012, the Ministry of Interior developed and adopted 111 indicators, based on OHCHR’s methodology, to measure violence against women in Mexico. Responding to a petition of the Government Board of the Mechanism for the Protection of Journalists and Human Rights Defenders,

OHCHR drafted a proposal that was validated during a process of consultation with academics, civil society organizations, public human rights institutions and governmental bodies, on a system of indicators to measure the impact of the Mechanism. The Office has also been working with the Ministry of Environment and Natural Resources, the National Commission for Water and a civil society organization named the Mexican Centre for Environmental Rights to develop indicators to measure the level of implementation of the rights to water and to a healthy environment. Indicators on the right to health that were published in 2009 are also under development in collaboration with the Ombudsman of Mexico City and will be contextualized for the Federal District. The tangible results and impact achieved by the Office in Mexico have enabled it to spearhead the development of indicators in five other countries in the region. This experience has been summarized in a book entitled, “Generating Human Rights Indicators: Regional experiences.”

Participation (EA 5)

- ▶ *National EA: Women’s civil society organizations enhance coordination amongst themselves in order to increase their level of participation and incidence in public policy decision-making processes.*

During the biennium, women’s civil society organizations, with the support of the Office, increased their level of participation in the debate on certain laws, including the Victim’s Rights Law and the Law for the Protection of Journalists and Human Rights Defenders.

- ▶ *National EA: Human rights defenders and journalists participate in and benefit from official protection mechanisms.*

In June 2012, the Law for the Protection of Human Rights Defenders and Journalists entered into force. The Law created a National Mechanism that offers, among other elements, protective measures to guarantee the life, integrity, security and freedom of human rights defenders and journalists and provided the Mechanism with a governance structure and a budget to undertake its activities. OHCHR contributed technical advice to the drafting of the Law and its regulations and participates without a vote at the meetings of the Board. The Office has undertaken a series of training activities to strengthen the capacities of the staff of the Mechanism in areas such as risk analysis and security plans. As of December 2013, the Mechanism had received 128 requests and protective measures were approved for 35 cases. At the local level, the first protection mechanism for human rights defenders and journalists has

been established in Mexico City and OHCHR attends its monthly meetings as permanent guest.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: The State increases compliance with international human rights recommendations and rulings and decisions of the Inter-American system.*

The Inter-American Court on Human Rights has recommended the adoption of appropriate legislative reforms in order to bring military jurisdiction in line with international standards and to allow individuals subject to the jurisdiction of military courts to challenge their jurisdiction in relation to human rights cases. In April 2012, the Senate committees in charge of the scope of military jurisdiction proposed a draft bill which would have removed all cases related to human rights violations from military jurisdiction. The draft bill was not approved by the coordinators of the political parties in the Senate and therefore was not discussed by the plenary. In 2013, five committees proposed a new bill on military jurisdiction and opened public hearings on the premise that the legislation would reflect the Inter-American Court’s criteria. OHCHR, academics and representatives of non-governmental organizations (NGOs) submitted observations on the draft and raised several issues to amend the Military Justice Code. OHCHR’s advice and proposals were incorporated into the text. Regarding the possibility of challenging military jurisdiction, a new “amparo” law entered into force in April 2013 entitling individuals subject to the intervention of military courts to effectively challenge their jurisdiction.

Mexico: Expenditure in 2013

| | Regular budget expenditure in US\$ | Extrabudgetary expenditure in US\$ |
|----------------------------------|------------------------------------|------------------------------------|
| Personnel & related costs | - | 1,716,530 |
| Consultants | - | 65,386 |
| Official travel | - | 114,110 |
| Contractual services | - | 12,866 |
| General operating expenses | - | 139,391 |
| Supplies & materials | - | 26,107 |
| Seminars, grants & contributions | - | 1,432 |
| Subtotal | - | 2,075,822 |
| Programme support costs | | 269,857 |
| GRAND TOTAL | - | 2,345,679 |

Regional Offices

Regional Office for Central America (Panama City, Panama)

| | |
|------------------------------|-------------|
| Year established | 2007 |
| Staff as of 31 December 2013 | 9 |
| Expenditure in 2013 | US\$882,654 |

Results

National laws, policies and institutions (EA 1)

- ▶ *National EA: By 2013, the National Human Rights Institution in Panama has improved the monitoring of the human rights situation of indigenous peoples and Afro-descendants.*
The monitoring capacity of the National Human Rights Institution (NHRI) with regard to the situation of indigenous peoples and Afro-descendants was strengthened during the year. The Regional Office supported the NHRI by elaborating guidelines to address cases of racial and ethnic discrimination against these groups and training its staff on the application of the guidelines.
- ▶ *National EA: By 2013, judicial authorities in the Dominican Republic have taken steps to use human rights standards in judicial decisions.*
A training course on human rights for judges and prosecutors was institutionalized by the Dominican Republic's Judicial Academy with the support of OHCHR. In total, 21 judicial operators were trained as trainers and the human rights course was replicated for other judges and prosecutors on two occasions in 2013. In addition, a permanent discussion group comprised of judges and prosecutors was established in the Judicial Academy as a mechanism to monitor the use of human rights standards in the decisions of the judiciary.

Access to justice and basic services (EA 4)

- ▶ *National EA: By 2013, an increased number of measures have been undertaken in El Salvador to improve the investigation, prosecution and reparation of cases of "femicide."*
Following the Regional Office's advocacy and advice to the General Prosecutor's Office, the El Salvador Protocol for the Investigation of Femicide has been included in the regular training curriculum of Salvadorian prosecutors and is being integrated into the internal audit system of the General Prosecutor's Office to ensure the follow-up of its application.

- ▶ Result for which no National EA was set:
By the end of 2013, OHCHR, with the collaboration of UN Women, finalized the drafting of the Latin American Model Protocol for the investigation of gender-related killings of women. The Protocol provides guidance on the integration of a gender perspective in the investigation and prosecution of cases of gender-related killings of women and provides detailed guidance concerning the rights of victims. The content and structure of the Protocol were defined through expert consultations with judges, prosecutors, lawyers, forensic specialists, representatives of police institutions, academics and civil society organizations from Latin America. The Protocol was validated during two regional workshops (one in Central America and one in South America) with the participation of high-level authorities from the region, and national workshops in Costa Rica, Dominican Republic, Ecuador and Panama. OHCHR has engaged in discussions with its partners concerning the rollout of the Protocol in the region.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: By 2013, participatory mechanisms to report and/or follow-up on treaty bodies, special procedures and UPR recommendations are established and functioning in Costa Rica, El Salvador and Panama.*
In Costa Rica, the Regional Office continued to advise the inter-institutional commission in charge of follow-up on the recommendations provided by international human rights mechanisms and promote its interaction with civil society groups. The Plan against Racial Discrimination and Racism, which was developed by the inter-institutional commission with the technical support of OHCHR, was launched. In El Salvador, OHCHR organized a meeting with Salvadorian institutions to analyse gaps in existing mechanisms to tackle gender-based violence. The solutions found were taken into account by the Special Technical Commission established to follow-up on the implementation of the Comprehensive Law for a Life Free of Violence for Women which was approved in 2012. In Panama, with the Regional Office's support, the inter-institutional commission charged with following-up on the recommendations formulated by international human rights mechanisms initiated consultative processes with civil society organizations, in particular on the implementation of the Optional Protocol to the Convention against Torture.



OHCHR staff hands out training material to representatives of an indigenous women organization in Panama.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *National EA: By 2013, indigenous and Afro-descendant organizations in Belize, Costa Rica, Nicaragua and Panama have increasingly used UN protection mechanisms (treaty bodies, special procedures and the UPR).*

In Belize, the Regional Office supported relevant civil society actors to enhance their engagement with treaty bodies, the second cycle of the UPR and special procedures. Following the 2012 mission to Costa Rica by the Special Rapporteur on the rights of indigenous peoples, the Regional Office disseminated his recommendations on the Diquis hydroelectric project to indigenous peoples' organizations, which contributed to the latter's increased knowledge about the Special Rapporteur's mandate and possibilities for engagement. OHCHR also supported dialogue between the Government and indigenous peoples from the south of the country on issues related to the recommendations of the Special Rapporteur. In Panama, OHCHR supported indigenous and Afro-descendant organizations to engage with the Special Rapporteur on the rights of indigenous peoples and the Working Group of Experts on People of African Descent, which visited the country in 2013.

Responsiveness of the international community (EA 10)

- ▶ *National EA: The Central American Integration System (SICA) has taken steps to include human rights concerns in the implementation of the new regional security strategy.*

Following the XXXIX Summit of Heads of States and Governments of SICA and its collaboration

with OHCHR in the preparation of its Plan of Action, the Regional Office started supporting SICA's regional security strategy by engaging with the Council of Central American Ministers for Women's Affairs in specific areas, such as violence against women and the investigation of femicide.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *National EA: By 2013, increased integration of human rights standards and principles in the work of REDLAC (UN-civil society regional humanitarian network) and UNCT programmes in the region.*

A training package on protection which integrates human rights standards was drafted by the Risk Emergency Disaster Working Group for Latin America and the Caribbean (REDLAC), with the contribution of OHCHR, to standardize the way in which UN agencies provide training to UNCTs in humanitarian contexts. The Regional Office also participated in the regional inter-agency working groups of the UN Development Group in Latin America and the Caribbean (UNDG-LAC) in order to strengthen the integration of human rights standards and principles in the work of the UN at the regional level. The Regional Office advised the UNDG-LAC in the elaboration of a request to the UNDG Human Rights Mainstreaming Mechanism (UNDG-HRM) for the deployment of an HRA, which was approved and will further strengthen human rights mainstreaming in development initiatives at the regional level.

Regional Office for Central America (Panama City, Panama): Expenditure in 2013

| | Regular budget expenditure in US\$ | Extrabudgetary expenditure in US\$ |
|----------------------------------|------------------------------------|------------------------------------|
| Personnel & related costs | 569,334 | 83,792 |
| Consultants | - | 1,506 |
| Official travel | 48,893 | 7,241 |
| Contractual services | 1,726 | 304 |
| General operating expenses | 66,259 | 20,049 |
| Supplies & materials | 6,580 | - |
| Seminars, grants & contributions | 15,871 | 41,082 |
| Subtotal | 708,663 | 153,974 |
| Programme support costs | - | 20,017 |
| GRAND TOTAL | 708,663 | 173,991 |

Regional Office for South America (Santiago, Chile)

| | |
|------------------------------|---------------|
| Year established | 2009 |
| Staff as of 31 December 2013 | 11 |
| Expenditure in 2013 | US\$1,342,154 |

Results

National laws, policies and institutions (EA 1)

- ▶ *National EA: The national human rights institution of Uruguay is functioning according to the Paris Principles.*

The Uruguayan NHRI was established in full compliance with the Paris Principles. The Regional Office for South America provided technical assistance to the institution through various capacity-building activities; funded the work of a consultant who drafted the NHRI's internal regulations; and facilitated the strategic collaboration between the Uruguayan NHRI with similar institutions in the region to promote the exchange of best practices.

- ▶ *National EA: Increased compliance of the judiciary in Chile, Peru and Uruguay with international human rights treaties and standards.*

The Judicial Academy in Chile incorporated a human rights course, delivered by the Regional Office, as part of its regular mandatory curricula. In Peru, following the good working relations between the Regional Office and the Judicial Academy and several joint training courses carried out for judges and prosecutors, the Judicial Academy is considering the inclusion of a human rights module in its regular training programmes. In Uruguay, however, activities related to human rights training had to be postponed to 2014 due to the unavailability of the Judicial Academy to work on this issue in 2013.

- ▶ *National EA: Increased compliance with international human rights standards through the establishment of new institutions including a Truth Commission in Brazil and a Vice Ministry for Human Rights in Chile and Peru.*

Brazil's Truth Commission was established in 2012 and is conducting mandated investigations in an independent and autonomous manner. The Regional Office contributed to this result by providing technical support and promoting the sharing of best practices among truth commissions in the region. The Office also advocated for the participation of civil society in the work of the Commission.

The draft Law establishing the Vice Ministry for Human Rights in Chile is pending its final adoption by Parliament. The final text makes references to international human rights standards following recommendations provided by the Regional Office during public hearings of the Parliament's Commission on Human Rights, on the Constitution and on Budget.

The Vice Ministry for Human Rights in Peru was established in 2012 with the active support of the Regional Office, including through the provision of legal advice and the undertaking of capacity-building activities, such as the facilitation of a regional seminar gathering together governmental representatives from the region to exchange best practices in human rights institution building.

Ratification (EA 2)

- ▶ *National EA: Increased ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in countries covered by the Regional Office and the International Convention for the Protection of All Persons from Enforced Disappearance in Peru and Venezuela.*

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights



The OHCHR Regional Representative for South America delivers a speech at the 2013 World Forum on Human Rights in Brazil.

was ratified by Uruguay on 5 February 2013; Venezuela ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 24 September 2013; and the International Convention for the Protection of All Persons from Enforced Disappearance was ratified by Peru in 2012. OHCHR contributed to these ratifications through advocacy, public information and meetings with representatives of the concerned governments.

Transitional justice and accountability mechanisms (EA 3)

- ▶ *National EA: By 2013, National Preventive Mechanisms are established in accordance with the Optional Protocol to the Convention against Torture and the Paris Principles in Argentina, Chile, Peru and Uruguay.*

In Argentina, the Law establishing a National Preventive Mechanism (NPM), which is largely compliant with the standards of the Optional Protocol to the Convention against Torture (OP-CAT), was adopted in November 2012. The Government is currently discussing regulations of the Law. In Brazil, a law establishing a system for the prevention of torture, which includes a NPM but is not fully compliant with international human rights standards, was adopted at the federal level in 2013. In December, the regulations of the Law were sanctioned by the President. In Chile, a working group, composed of the NHRI, the Justice Ministry and the Penitentiary Authority, was designated in early 2013 to work on a proposal for the establishment of the NPM. While the group reached an agreement on the proposed NPM, no further progress could be achieved due to the presidential elections that were held at the end of 2013. In Peru, a draft law establishing a NPM, largely compliant with the OP-CAT, is being considered by the Parliament. In Uruguay, although the Law establishing the NHRI assigns the future NPM to this institution, the fact that the NHRI is only recently active has delayed progress in the development of draft legislation to create the NPM. In all these cases, the Regional Office has advocated, through regular contacts and meetings with relevant authorities, for the development and adoption of laws that are compliant with international human rights standards and, when requested, has provided legal advice.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: By 2013, Argentina, Brazil, Chile, Peru and Uruguay have submitted their second reports to the UPR in accordance with the reporting guidelines and have implemented*



Workshop on the rights of indigenous people facilitated by OHCHR in Argentina.

priority recommendations.

With the assistance of the Regional Office, through capacity-building activities, training sessions and the appointment of focal points to provide technical support to concerned governments, Argentina, Brazil, Chile, Peru and Uruguay submitted their UPR reports in due time and in accordance with the reporting guidelines. In terms of the implementation of recommendations, the Government of Argentina established a NPM and amended its Criminal Code to include femicide; Brazil decided to make public the report of the 2011 visit by the Subcommittee on Prevention of Torture, as requested in one of the UPR recommendations; and Peru ratified the International Convention for the Protection of All Persons from Enforced Disappearance and adopted a law on the right to prior consultation to continue its efforts in the area of the rights of indigenous peoples, as recommended by the UPR.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *National EA: Key civil society organizations, indigenous organizations and NHRIs (when relevant) in Argentina, Chile and Peru make increased use of the UN human rights instruments and mechanisms.*

In Argentina, four civil society organizations submitted alternative reports to the Committee on Enforced Disappearances; five reports were sent to the Committee on the Rights of Persons with Disabilities; and 37 individual and/or joint submissions from civil society organizations and the NHRI were sent for consideration in relation to Argentina's second cycle of the UPR. With regard to Chile, seven alternative reports were presented by civil

society organizations to the Committee on the Elimination of Discrimination against Women; nine reports were submitted by civil society organizations to the Committee on the Elimination of Racial Discrimination; seven reports were sent by civil society organizations to the Human Rights Committee; and 26 individual and/or joint contributions prepared by civil society organizations and the NHRI were submitted in anticipation of Chile's second cycle of the UPR. In the case of Peru, civil society organizations sent 21 individual or joint reports to the Human Rights Committee; 11 reports were submitted to the Committee Against Torture; eight reports were presented to the Committee on Economic, Social and Cultural Rights (CESCR); and 25 individual and/or joint submissions from civil society organizations and the NHRI were submitted in relation to Peru's second cycle of the UPR. In all of these cases, OHCHR contributed through advocacy, awareness-raising, training on reporting requirements, dissemination of reporting guidelines and providing technical advice to civil society organizations.

Responsiveness of the international community (EA 10)

- ▶ *National EA: MERCOSUR and UNASUR have adopted policies and other measures and decisions which comply with international and regional human rights standards.*

During 2013, MERCOSUR, through its Human Rights Public Policies Institute, worked on a report related to policies on the prevention of torture and began implementing a project aimed at building an infrastructure for the promotion and protection of human rights in the subregion. The Regional Office did not engage with UNASUR in 2013.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *National EA: By 2012, increased integration of a human rights-based approach in the CCA/UNDAF by the UNCT in Brazil.*

In December 2012, the Brazilian United Nations Development Assistance Framework (UNDAF) for 2012-2015 was approved by the Government. A human rights-based approach was partially applied in the document regarding citizen security and other public policies particularly addressed to vulnerable groups. The Regional Office commented on the draft Common Country Assessment (CCA)/UNDAF and has provided technical assistance to the UNCT since 2010 to enhance the knowledge of UN staff in Brazil on human rights principles and standards and the human rights-based approach.

Regional Office for South America (Santiago, Chile): Expenditure in 2013

| | Regular budget expenditure in US\$ | Extrabudgetary expenditure in US\$ |
|----------------------------------|------------------------------------|------------------------------------|
| Personnel & related costs | 711,390 | 223,825 |
| Consultants | 13,900 | 83,694 |
| Official travel | 5,472 | 78,803 |
| Contractual services | - | 2,670 |
| General operating expenses | 117,406 | 23,852 |
| Supplies & materials | 4,458 | 7,579 |
| Seminars, grants & contributions | 13,782 | 591 |
| Subtotal | 866,408 | 421,014 |
| Programme support costs | - | 54,732 |
| GRAND TOTAL | 866,408 | 475,746 |

Human Rights Component in a UN Peace Mission

United Nations Stabilization Mission in Haiti

| | |
|------------------------------|------|
| Year established | 2004 |
| Staff as of 31 December 2013 | 49 |

Results

National laws, policies and institutions (EA 1)

- ▶ *National EA: Increased compliance with international human rights standards by State entities, including the national human rights institution, responsible for respecting and promoting the rights to justice, education, health, adequate housing, water and sanitation, in their respective policies and programmes.*

The organic Law on the *Office de la Protection du Citoyen* (OPC), Haiti's Ombudsperson, was published in July 2012 and in December 2013, the International Coordinating Committee for National Human Rights Institutions (ICC-NHRI) accorded it 'A' status. The OPC has a presence in every region of the country and its budget has increased over the years. OHCHR has supported, both financially and technically, the capacity-building of the OPC by, for instance, covering the salaries of two OPC field agents; providing assistance to develop the institution's reporting capacity; and conducting training sessions on monitoring methodologies.



Visitors collect poster at an event to celebrate International Peace Day held by MINUSTAH.

As of November 2013, according to the Ministry of Education, approximately 1.3 million children had benefited from the Government's Programme of Universal Free Education which has, despite some challenges in its implementation, enabled a larger number of poor children to attend school than ever before. OHCHR monitored the programme's rollout in one region of the country and has built the capacity of civil society actors to monitor and advocate for the right to education. Furthermore, a bill on the national fund for education, which included OHCHR's comments, was developed and has been voted on by the Chamber of Deputies. It is currently on the agenda of the Senate for adoption. The Law on International Adoption, compliant with the Hague Convention of 29 May 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption, was published on 15 November 2013 and the instrument of ratification of the Hague Convention was deposited at the Hague. A draft law on trafficking of children was voted on by the Chamber of Deputies in August 2013 and is awaiting a vote from the Senate. OHCHR contributed comments to both pieces of legislation and has advocated for the ratification of the Hague Convention. OHCHR has also supported the Institute for Social Welfare and Research (IBESR), enabling the agency to increase its surveillance of orphanages and adoption practices, which has led to the closing of substandard centres and greater societal awareness of children's rights.

The Law on Persons with Disabilities was published on 13 March 2012 and, with support from OHCHR, the State Secretary on Integration of Disabled Persons has developed a work plan for its implementation.

The executive summary of the national policy on housing, to which OHCHR provided comments, was released in October 2013. It provides a broad preliminary framework and reinforces the 7 August 2013 decree which provided directives to guide private sector investment in housing, including public housing.

In 2013, the Police Academy incorporated human rights into the curriculum of its basic training programme. OHCHR contributed to the development of the human rights curricula, produced teaching tools such as short videos and trained a group of trainers in charge of delivering the human rights module. Regarding the Magistrates School, OHCHR developed and delivered a module on the implementation of international law by national judicial organs, with an emphasis on human rights, which has yet to be fully integrated into the Academy's regular curriculum.

In terms of OHCHR's monitoring work, approximately 500 cases of human rights violations were brought to the attention of authorities in 2013, the majority of which concerned prolonged pre-trial detention, police custody exceeding the legal limit and an excessive use of force by law enforcement agents. Of all these cases

followed up on by OHCHR with local authorities, approximately 61 per cent obtained a positive response and appropriate actions were taken.

Ratification (EA 2)

- ▶ *National EA: Ratification of the International Covenant on Economic, Social and Cultural Rights.* The Government of Haiti published the act of ratification of the International Covenant on Economic, Social and Cultural Rights in the Official Gazette on 3 July 2013 and deposited the instrument of accession on 10 October 2013. OHCHR has provided the Government with technical assistance related to the Covenant and has also supported civil society's advocacy efforts for the ratification of the treaty.

Transitional justice and accountability mechanisms (EA 3)

- ▶ *National EA: Justice and accountability mechanisms established and functioning in compliance with international human rights standards to monitor, investigate and redress civil and political human rights violations.*

According to its own reporting, the General Inspectorate of the National Police received 454 complaints until 31 October, 181 of which were allegations of human rights violations. During the same period, the General Inspectorate processed only 34 complaints, including 11 related to human rights violations. While an increase in transparency is a welcome development, the failure to adequately deal with the case load, mainly due to the frequent replacement of the Chief General Inspector, the lack of an adequate budget and weak internal organization, is a major concern. OHCHR has regularly brought the General Inspectorate's problems to the attention of the UNPOL Police Commissioner and has met with the Chief General Inspector to discuss issues of concern. Although both the Police Commissioner and the Chief General Inspector have had a positive attitude towards OHCHR's comments, this has not been translated into concrete actions aimed at improving the General Inspectorate's performance.

Participation (EA 5)

- ▶ *National EA: Increased involvement of rights-holders, including women, in the monitoring of the national budget and the development and monitoring of public policies at the communal and departmental level.* OHCHR has supported the Ministry of Planning and the active participation of local civil society organizations in six departments in the review

of public policy, which applied a human rights-based approach and resulted in the drafting of priority assessment reports. The review recommended that all stakeholders collaborate closely for the implementation of municipal development plans in accordance with refined priorities, including the right to food, health, education, drinking water, a healthy environment and an adequate standard of living. Reviews were validated and submitted to the Government in the North-East, Artibonite, South-East and Grande-Anse regions, while those of the West and South departments will be presented in 2014. OHCHR has also ensured that at least 30 per cent of the participants in the reviews were women.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: Increased compliance and engagement with UN human rights mechanisms and bodies, in particular regarding implementation of recommendations of the Universal Periodic Review of the Human Rights Council.*

Approximately 10 per cent of the accepted UPR recommendations were implemented, primarily in the area of police and public appointments in the justice sector. OHCHR has provided significant support and advocated for the implementation of, among others, recommendations related to the ratification of the International Covenant on Economic, Social and Cultural Rights and the Hague Convention of 29 May 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption; the reform of the national law on adoption; the drafting and submission of initial and periodic reports to human rights treaty bodies (including the periodic report on the implementation of the Convention on the Rights of the Child submitted in November); the nomination of the judges and president of the *Cour de Cassation*; the visits of the Independent Expert on the situation of human rights in Haiti; the provision of human rights training for police, magistrates and parliamentarians; and the reinforcement of the national human rights institution.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *National EA: Increased integration of human rights standards and principles in MINUSTAH's police component; and utilization of the human rights-based approach in the UN Integrated Strategic Framework for Haiti.* UNPOL has been extremely responsive to protection concerns raised by OHCHR with regard

to their patrolling and interventions in the IDP camps and cases of forced evictions. In addition, as part of the Human Rights Due Diligence Policy, OHCHR questioned MINUSTAH regarding its support to the Haitian National Police's security operations during which police staff violate national and international standards on the legitimate and proportional use of force, arbitrary arrest, detention and search. Partly as a result of OHCHR's advocacy, night-time arrests, which are illegal under Haitian law, have significantly diminished.

Human rights have been mainstreamed across the UN Integrated Strategic Framework (ISF) for Haiti for 2013-2016 and human rights language and activities have been included in all four pillars of the document. The Office actively participated in the drafting of the ISF, which will be reviewed by the UNCT in 2014.

Human Rights Advisers in UN Country Teams

Ecuador

| | |
|------------------------------|------|
| Year established | 2007 |
| Staff as of 31 December 2013 | 3 |

Results

National laws, policies and institutions (EA 1)

- ▶ *National EA: Increased compliance of human rights standards by public policies, including an improved monitoring system of State human rights obligations.*

The National Development Plan 2013-2017 and a policy related to free, prior and informed consent were developed and are to a large extent compliant with human rights standards in the framework of the UN REDD+ programme (the United Nations collaborative initiative on Reducing Emissions from Deforestation and Forest Degradation). The HRA provided technical assistance during the drafting of the National Development Plan, including on the integration of a human rights-based approach. As for the policy on the right to free, prior and informed consent, the HRA provided advice to the Ministry of Environment on relevant international standards and promoted the consultation with stakeholders during the process of drafting the guidelines for the implementation of the policy, which were approved by Ministerial Decree. In addition, during 2013, a tool called the "Atlas of Inequalities" was developed under the leadership of the HRA to map out gaps in the enjoyment of economic, social and cultural rights in order to contribute to the development of more coherent and targeted public policies. The Atlas was used as the baseline for the National Development Plan 2013-2017.

- ▶ *National EA: The National Human Rights Institution increases compliance with the Paris Principles in the areas of human rights protection and interaction with the universal human rights protection system.*

The NHRI has partially increased its compliance with the Paris Principles as a result of the streamlining of internal processes and institutional capacities for the protection of human rights which were spearheaded by the new Ombudsman who was appointed in December 2011. The HRA supported this process by developing two training courses on human rights addressed to the NHRI; providing guidance on the international human rights mechanisms during the early stages of the streamlining of the NHRI and providing technical assistance to improve the information system used by the national institution to monitor its cases.

- ▶ *National EA: Increased compliance with international standards by the Ministry of Interior (citizen security strategy and plan and policies on detention and use of force) and by the Ministry of Defence (institutionalization of human rights training).*

A number of coordination meetings between the HRA, UNDP and the Ministry of Interior took place during the year to reach an agreement on the work to be undertaken in the area of citizen security. By the end of the reporting period, the parties had not yet agreed on a



Launch of the Free & Equal campaign in Ecuador, November 2013.

© OHCHR/Ecuador

cooperation framework on the subject. In terms of the work for the institutionalization of human rights training, two courses that had been developed and implemented with the technical support of the HRA were institutionalized by the armed forces in 2013: a course on basic human rights principles addressed to the armed forces operating in the northern border of Ecuador and another on collective rights. In addition, the HRA advised the Human Rights Unit of the Ministry of Defence during the development and implementation of a protocol for documenting cases of human rights violations allegedly committed by armed forces personnel.

- ▶ *National EA: Police, armed forces, the NHRI and the judiciary perform their functions in compliance with international standards on collective rights of indigenous peoples and Afro-descendants.*

During 2013, the national police, the armed forces and the NHRI increased their efforts to train their officials on collective rights. Overall, 120 officials from the armed forces, 3,160 from the police and 500 from the NHRI benefitted from this training. The HRA led the participatory development of the training module, printed and distributed 3,500 copies of the training manual and advocated with the NHRI, the national police, the Ministry of Justice, Human Rights and Religions and the Ministry of Culture for the implementation and sustainability of the training. With relation to the compliance of these institutions with human rights standards in the area of collective rights, the measurement of this compliance was not carried out due to methodological challenges. Nonetheless, the national police, the armed forces and the NHRI have taken full ownership of the training modules on collective rights by including them into their regular training programmes for their staff. It is expected that the increased knowledge on collective rights will help these institutions protect these rights.

- ▶ Result for which no National EA was set: The HRA launched the campaign “Free and Equal” in Ecuador and led a task force, composed of several UN agencies, government institutions and non-governmental organizations, to advocate for the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and influence public policies on the subject. During the launch of the campaign, the Ministries of Health and of Justice, the NHRI, the Municipality of Quito, the UN Resident Coordinator and a number of NGOs signed a joint declaration committing to eradicate violence and discrimination against LGBTI persons. A related plan of action will be implemented during 2014.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: Increased compliance with treaty bodies, special procedures and UPR recommendations in the area of indigenous justice by the government, National Assembly and the judiciary.*

Ecuador received a number of key recommendations on indigenous justice from the Committee on Economic, Social and Cultural Rights in 2012, from the Committee Against Torture in 2012 and from the Special Rapporteur on the rights of indigenous peoples in 2010. One of these, provided by the CESCR, relates to the approval of the draft Bill on Coordination and Cooperation between ordinary and indigenous justice systems. In May 2012, the National Assembly held the first debate regarding the draft which duly incorporated international human rights standards on indigenous justice. In addition, in 2013, civil society organizations and indigenous leaders carried out a number of public debates on indigenous justice. The HRA contributed to these initiatives by providing technical assistance to and maintaining an open dialogue with key actors, including State authorities, indigenous leaders and civil society organizations. Despite these efforts, the delay in the application of an indigenous justice system continued to hinder other attempts to advance the implementation of relevant recommendations from international human rights mechanisms.

- ▶ *National EA: Increased compliance with treaty bodies, special procedures and UPR recommendations in the administration of justice, particularly in the framework of the judicial reform.*

One of the recurring recommendations addressed to Ecuador in the area of the administration of justice relates to strengthening the capacities of judges, prosecutors and other officials to protect human rights. In particular, one of the recommendations emanating from the UPR requested the State to undertake human rights training for the judiciary. In this context, in November 2013, the Judiciary Council agreed with the Ministry of Justice, Human Rights and Religions to implement a training module on collective rights, produced by OHCHR, as part of the annual training programme delivered to all members of the judiciary.

- ▶ *National EA: Increased compliance with the UPR recommendations issued to Ecuador in the first and second rounds.*

In 2013, the design and development of a web-based information system (SIDERECHOS), which will support the Ecuadorian State’s

efforts in following up on and complying with recommendations from international human rights mechanisms, was completed. The initiative, hosted by the Ministry of Justice, Human Rights and Religions, was supported technically and financially by the HRA and has helped the Government to comply with two of its voluntary pledges made during the country's UPR in 2012.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *National EA: Increased knowledge by civil society organizations of human rights standards and the UN and regional human rights mechanisms related to freedom of expression.*

At least 27 civil society organizations have submitted reports to the treaty bodies, in particular to CESCR and the Committee on the Elimination of Racial Discrimination. The HRA has continuously kept these organizations informed of their reporting periods and deadlines and has also organized a number of workshops to increase their capacities for the preparation of alternative reports.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *National EA: Increased integration of human rights standards and principles into UN system policies and programmes with respect to governance, education, multiculturalism and gender areas.*

The UN inter-agency thematic group on governance and human rights did not function during the reporting period, thereby limiting the HRA's capacity to promote the integration of a human rights-based approach into other UN agencies' programmes. As a result, the HRA focused its efforts on ensuring that Ecuador's CCA/UNDAF 2014-2017 integrates a human rights-based approach. To this end, the HRA prepared guidelines and facilitated training sessions.

The "Atlas of Inequalities" produced by the Ecuadorian National Secretariat for Planning and Development (SENPLADES), with the technical support of OHCHR, was officially launched on 24 October 2013. The Atlas maps persisting gaps in the enjoyment of economic and social rights in different regions of Ecuador and presents disaggregated information based on gender, ethnicity and geographical location. The Atlas has also served as the baseline for the recently launched National Development Plan and the National Strategy for the eradication of poverty and intends to contribute to the development of more coherent and targeted public policies as well as to a more efficient distribution of public resources.

Honduras

| | |
|------------------------------|------|
| Year established | 2010 |
| Staff as of 31 December 2013 | 1 |

Results

National laws, policies and institutions (EA 1)

- ▶ *National EA: A national plan of action against discrimination is finalized and begins to be implemented.*

The Ministry of Indigenous Peoples and Afro-Hondurans (SEDINAFROH) prepared a first draft of the National Plan against Racism and Racial Discrimination which fully complies with international human rights standards. OHCHR contributed to this result by providing technical advice, having a dedicated consultant drafting the document and supporting SEDINAFROH in the design and implementation of a consultation process which included all of the nine indigenous and Afro-descendant communities of the country.

- ▶ *National EA: A national human rights plan of action is finalized and begins to be implemented.*

In January 2013, the Government of Honduras approved its first National Action Plan on Human Rights (PNADH) which is compliant with international human rights standards. The PNADH includes information on and recommendations from international and regional human rights mechanisms, presents a diagnosis of national public policies from a human rights perspective and outlines the actions that need to be undertaken in order to respond to the demands of national rights-holders. The HRA supported the Ministry of Justice and Human Rights in the development of the Plan by providing methodological advice. In the context of a joint human rights project, UNDP funded the work of national and international consultants in charge of drafting the document. After the approval of the Plan, the Ministry of Justice and Human Rights and the HRA focused their efforts on the socialization of the Plan and its inclusion in the national planning for 2014. These efforts led to the signing of a National Pact on Human Rights between the candidates to the Presidency of Honduras through which they committed to implement the PNADH if victorious in the November 2013 elections.

- ▶ *National EA: The national budget and social policies increasingly incorporate a human rights-based approach and human rights-based indicators.*

The National Policy on the Rights of Persons with Disabilities has been approved in compliance



The Human Rights Adviser in Honduras delivers a speech at the occasion of the UN International Day in Support of Victims of Torture, June 2013.

with the Convention on the Rights of Persons with Disabilities. The HRA advised the Ministry of Internal Affairs in the drafting of the Policy and the related Strategic Plan.

Transitional justice and accountability mechanisms (EA 3)

- ▶ *National EA: Incorporation by the administration of justice system of international human rights standards in their decisions.*

An independent unit in charge of the implementation and follow-up to the recommendations of the report of the Truth and Reconciliation Commission has been created, due in part to OHCHR's advocacy. The HRA also provided technical and substantive support to the activities of the Unit and UNDP provided financial assistance. In addition to this, a bill for the creation of a protection mechanism for human rights defenders and journalists has been drafted by the Ministry for Justice and Human Rights. OHCHR revised the proposed bill to ensure its compliance with international human rights standards.

- ▶ *National EA: Effective transitional justice mechanisms are functioning.*
The unit in charge of the follow-up to the recommendations of the Truth and Reconciliation Commission was the only transitional justice mechanism established by the Government in 2013.

Participation (EA 5)

- ▶ *National EA: Increased level of participation by civil society organizations, in particular those representing women, indigenous peoples, Afro-descendants, and LGBTI persons, in the drafting*

of anti-discrimination policies and in making use of accountability mechanisms of State bodies, such as the National Congress and the Executive Power. The National Plan against Racism and Racial Discrimination was drafted in consultation with over 200 members of nine indigenous and Afro-Honduran communities. OHCHR supported the Ministry of Indigenous Peoples and Afro-Hondurans in the design and implementation of the consultation process. The drafting and approval of the National Human Rights Plan of Action also received OHCHR's support and technical advice.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: Measures taken by the Secretary of Justice and Human Rights to follow-up on and implement recommendations issued by treaty bodies, special procedures and the UPR.*

Four UPR recommendations were implemented and the implementation of a fifth is ongoing with the technical support of OHCHR. All the recommendations contained in the High Commissioner's reports and those provided by treaty bodies and special procedures mandate-holders have been included in the National Action Plan on Human Rights. In addition to this, reports to the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child regarding the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, the Committee on the Rights of Persons with Disabilities and the Committee on Economic, Social and Cultural Rights were submitted in accordance with the reporting guidelines. The HRA provided technical assistance to the Ministry of Justice and Human Rights in the drafting of the reports.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *National EA: Increased use by civil society organizations, in particular those representing women, indigenous peoples, Afro-descendant, and LGBTI persons, and by individuals of international and regional protection mechanisms.*

In 2013, the HRA trained 100 members of 15 civil society organizations of women, LGBTI persons, indigenous peoples and Afro-Hondurans, who improved their knowledge on strategic litigation and the use of national and international human rights protection mechanisms.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *National EA: Integration by the UNCT of a human rights-based approach into its programmes and activities.*

The HRA, in cooperation with UNDP, designed and delivered a course on the human rights-based approach to 32 UN staff in Honduras. It is expected that human rights standards will be increasingly incorporated in their respective agencies' programmes and plans from 2014 onwards.

Paraguay

| | |
|------------------------------|------|
| Year established | 2010 |
| Staff as of 31 December 2013 | 3 |

Results

National laws, policies and institutions (EA 1)

- ▶ *National EA: Increased compliance with international human rights standards in the areas of human rights policies (National Human Rights Action Plan), human rights education (National Plan on Human Rights Education), legislation (torture and economic, social and cultural rights) and the judiciary (human rights indicators regarding access to justice).*

The level of compliance of policies with human rights standards has considerably improved in selected thematic areas during the reporting period. Institutional capacities were strengthened with the support of the HRA to follow-up on the implementation of the National Human Rights Action Plan, which was approved by the Government in June. In terms of the National Plan on Human Rights Education, the new authorities of the Ministry of Education and Culture restarted the implementation of some of the activities included in the Plan, which was approved in 2012, with the technical support of the HRA. The implementation of the Plan and the impact of other actions related to education will be better monitored, thanks in part to the adoption by the Government of indicators on the right to education, which were developed using OHCHR's methodology. Indicators on the right to a fair trial were also developed, with technical assistance from OHCHR, and implemented by the judiciary and the General Prosecutor's Office, thereby improving their capacity to monitor

and report on the human rights situation in the country. Regarding torture, the Parliament approved changes to the legislation introducing a definition of torture which is in compliance with international standards. It also approved the law creating the National Preventive Mechanism. As a result of technical cooperation provided by the HRA, the capacities to follow up and report on cases of torture were strengthened

Participation (EA 5)

- ▶ *National EA: Increased participation by rights-holders, especially women and discriminated groups, in decision-making processes and the development and monitoring of public policies in the areas of human rights (National Human Rights Action Plan) and human rights education (National Plan on Human Rights Education and cultural rights).*

Rights-holders were consulted to a considerable extent by the Government for the development of the National Human Rights Action Plan, which was approved in 2013, and the National Plan on Human Rights Education, which was approved in 2012. Civil society organizations also increased their participation in human rights debates and the promotion of a human rights culture in the country. Most notably, their capacity to monitor and report on the human rights situation was strengthened through coordinated actions and technical assistance provided by the HRA. One of the results of this enhanced capacity was the launch of the annual report on the human rights situation in Paraguay produced by CODEHUPY (a network of local human rights NGOs), which also included information on the monitoring done by CODEHUPY on the implementation of public policies related to human rights, such as the National Human Rights Action Plan. Additionally, as a result of technical advice provided by the HRA in coordination with UNDP and the National Institute for Indigenous Issues, indigenous peoples' organizations strengthened their capacities and agreed on a common list of priorities in relation to prior consultation and land issues.

State engagement with human rights mechanisms (EA 6)

- ▶ *National EA: Increased compliance and engagement by Paraguay with treaty bodies and the UPR.*

Approximately 15 per cent of the recommendations accepted by the Government of Paraguay in the context of the UPR were implemented during the biennium including, for instance, the approval of the National

The rights of transgender persons in Paraguay

On the occasion of the celebration of the 20th anniversary of OHCHR, the Human Rights Adviser (HRA) in Paraguay produced a publication which compiled the testimonies of civil society and State representatives related to national human rights issues of concern and their views on the UN human rights programme.

Yrén Rotela, Head of an NGO defending the rights of transgender persons, shared the following testimony: “It is not easy to be a transgender person in Paraguay, which is why it is more than necessary to organize ourselves and fight for our rights. Our association was founded in 2006 and since 2010, following the deployment of the HRA to Paraguay, we started

receiving technical cooperation for institutional and communication strengthening. The presence of the HRA was key to empowering us, but her support went far beyond technical cooperation. It was human support. One of the most significant results from our cooperation was our participation in the OHCHR campaign, entitled “You are a person, you have rights,” which helped make it clear to the Paraguayan society that we are people who have the right to be respected and the right not to hide our sexual orientation or gender identity. By being part of this campaign, we were portrayed with so much dignity and as equals to the rest of the society. It also made us realize that we were ready to share our problems and ideas. Furthermore,



Yrén Rotela, Head of an NGO defending the rights of transgender persons in Paraguay.

the OHCHR campaign encouraged us to create our own communication campaign, which was launched in 2013. Our campaign, supported by OHCHR and other organizations, is accomplishing its objective of raising awareness about the impunity and the lack of justice for crimes against transgender people.”

Human Rights Action Plan and strengthening the capacities of the National Institute for Indigenous Issues to better promote and protect the rights of indigenous populations. At the request of the Government of Paraguay, the HRA provided technical advice for the establishment of a permanent mechanism responsible for coordinating the State’s efforts to implement the country’s human rights obligations and commitments. As a result, the State’s capacities to follow-up on the recommendations from international human rights mechanisms, and identify priorities and related responsibilities, were strengthened. In terms of recommendations related to economic, social and cultural rights, the Social Action Secretariat recently announced the Government’s intention to develop a National Development Plan with a human rights-based approach. The capacities of the Secretariat to implement this approach, and to follow up on the recommendations of the Special Rapporteur on poverty and human rights after her visit to the country in 2012, were strengthened in part as a result of technical assistance provided by the HRA.

Civil society engagement with human rights mechanisms (EA 7)

- ▶ *National EA: Increased number of civil society actors, acting on their behalf, making use of UN human rights mechanisms (Human Rights*

Committee, Committee on the Rights of Persons with Disabilities, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, CESCR).

Civil society organizations and NGOs continued to submit cases to the attention of selected special procedures mandates, including the Special Rapporteur on the independence of judges and lawyers. Shadow reports were also submitted to the Human Rights Committee and the Committee on the Rights of Persons with Disabilities. The HRA provided support and advice to these organizations on the reporting procedures of international human rights bodies.

Human rights mainstreaming within the United Nations (EA 11)

- ▶ *National EA: The UN Common Country Programme/UNDAF has satisfactorily integrated international human rights standards and principles into its 2013-2018 strategy.* The UNCT reinforced its capacities to include a human rights-based approach in the UNDAF with the technical assistance of the HRA. As a result, the UNDAF, currently being reviewed by the Government, includes sections related to civil and political rights, economic, social and cultural rights and environmental rights and incorporates relevant human rights indicators.
- ▶ *National EA: UN guidelines on incorporating rights-based approaches have been used in*



The Human Rights Adviser in Paraguay participates at an event on the right to prior consultation.

UN policies on human development, indigenous peoples and women's rights.

The capacity of UN agencies in Paraguay to integrate a human rights-based approach into their programmes was enhanced, particularly regarding social policies, the fight against poverty and the rights of indigenous peoples, as a result of technical cooperation provided by the HRA and her participation in a number of inter-agency working groups of the UNCT. The HRA,

together with UN Women, also advocated with other UN agencies for follow-up to international recommendations related to women's rights, including through the launch of a joint publication on the issue. Additionally, the HRA joined with UN agencies in the context of the April 2013 elections for President and Congress to engage with candidates to promote the sustainability of the progress achieved in previous years on relevant human rights and social issues.