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**REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD
CONFERENCE ON HUMAN RIGHTS***

Summary

In the present report to the Commission on Human Rights, the United Nations High Commissioner for Human Rights outlines a number of activities undertaken since the sixty-first session of the Commission. In particular, the report focuses on steps taken by the Office of the High Commissioner in response to the Plan of Action released in May 2005. As such, and in line with the strategic vision for future operations, the report highlights activities aimed at strengthening country engagement, forging linkages between human rights and development, fostering partnerships with the civil society and within the United Nations system, strengthening the Office's thematic expertise as well as the efforts dedicated to further empowering rights-holders.

In addition, the report presents the High Commissioner's Strategic Management Plan 2006-2007, which seeks to operationalize the strategic vision articulated in the Plan of Action, by identifying the priorities and resource requirements for the next biennium based on the magnitude of challenges in the coming years.

In its final part, the report turns to the leadership role of the High Commissioner for Human Rights, in particular against the background of the overall reform of the United Nations human rights machinery and the discussions currently taking place in New York for the establishment of a Human Rights Council, which will ultimately replace the Commission on Human Rights.

* The present report was submitted late, in order to reflect the most recent information.

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Introduction

1. The present report is submitted pursuant to General Assembly resolution 48/141 establishing the mandate of the United Nations High Commissioner for Human Rights, at a time when the United Nations and its human rights machinery are undergoing one of the most far-reaching reforms. The outcome of the negotiations currently taking place in New York to establish a Human Rights Council, which will ultimately replace the Commission on Human Rights, are eagerly awaited and some considerations on the overall reform process are shared in the last part of the report.

2. The report highlights the steps taken to operationalize the Plan of Action of the High Commissioner prepared at the request of the Secretary-General (A/59/2005/Add.3) through the High Commissioner's Strategic Management Plan 2006-2007. Moreover, the report emphasizes a number of activities undertaken by myself and the Office of the High Commissioner for Human Rights (OHCHR), in the last year and in particular since the sixtieth session of the General Assembly. The present report should hence be read in conjunction not only with the Plan of Action, but also with my report submitted to the General Assembly (A/60/36).

I. OPERATIONALIZING A VISION: THE HIGH COMMISSIONER'S STRATEGIC MANAGEMENT PLAN

3. In my Plan of Action, released in May 2005 in response to the Secretary-General's report entitled *In larger freedom: towards development, security and human rights for all* (A/59/2005), I presented a strategic vision for the future direction of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Plan of Action builds on the Secretary-General's assertion, shared by many, that much more needs to be done by the international community to address today's threats to human rights and that OHCHR must be considerably better resourced to continue playing its central role in meeting these challenges.

4. In September 2005 in New York, the largest-ever gathering of Heads of State and Government generously responded to this call for a significant increase - a doubling, in fact - of regular budget resources for the Office, to be phased in over a five-year period. They immediately set about converting this commitment into reality by approving a regular budget for 2006/2007 which will give OHCHR an additional 91 posts and over US\$ 20 million - an unprecedented and quantum leap forward in capacity. These developments underscore the call for progress in human rights as one of the central declarations of the World Summit. They acknowledge both the importance of human rights in the work of the United Nations and the imperative of accelerating the growth of my Office, so that it is better prepared to address the human rights challenges before us.

5. The High Commissioner's Strategic Management Plan 2006-2007 outlines how OHCHR will respond to the challenges before us in the immediate period. It acknowledges the magnitude of the challenges identified in the Plan of Action and the need to prioritize our activities, so that

the resources can be used effectively. These priorities, reflected in the planned activities, build on the five focus areas identified in the Plan of Action: developing effective, appropriate strategies for country engagement; strengthening partnerships; providing high-calibre support to the United Nations human rights programme; exercising leadership within the field of human rights; and strengthening the management of OHCHR.

6. Hence, if the Plan of Action presented an overall vision for the future direction of my Office, the Strategic Management Plan details the means by which OHCHR aims to work with Member States to operationalize this vision in the coming two years. It provides a comprehensive overview of the areas on which OHCHR will focus its work during 2006 and 2007 and the resources that will be required.

7. This Strategic Management Plan 2006-2007 is based on OHCHR's fundamental goals - to protect human rights and to empower all people to realize those rights - and it is driven by the need to identify and address critical human rights problems in the world today, namely: poverty, discrimination, conflict, impunity, democratic deficits and institutional weaknesses.

8. The Strategic Management Plan significantly differs from previous OHCHR plans. It is a biennial plan, designed to cover the biennial budget cycle of the United Nations Secretariat and to provide a comprehensive picture of the objectives, activities and requirements of the Office, irrespective of funding sources. By moving to a two-year cycle, for all activities and not only those funded from the regular budget, OHCHR can plan more effectively and enter into longer-term agreements with its partners. Moreover, this Plan is results-based and assumes a cross-branch, one-office approach to planning and implementing of activities, designed to achieve the corporate objective of protection and empowerment.

9. The United Nations is currently undergoing one of the most far-reaching reform processes in the history of the Organization. In no area of work is this more urgent than in the case of human rights. The Strategic Management Plan together with the Plan of Action represent OHCHR's contribution to this exercise. It recognizes both the vital need for OHCHR to be a reliable, professional, well-resourced and open partner in the field of human rights, while at the same time remaining acutely conscious of the fact that we simply cannot wait until tomorrow to address today's human rights concerns.

II. STRENGTHENING COUNTRY ENGAGEMENT

10. In line with my Plan of Action and the Secretary-General's reform programme, OHCHR has endeavoured to enhance its country engagement and increase its field operations, in an effort to allow OHCHR to support both rights-holders and duty-bearers in a timely and context-specific manner. A reform exercise is currently under way in order to better equip OHCHR in implementing this new vision, including through strengthening its geographic desks at headquarters, establishing standing capacities for rapid deployment of human rights fact-finding missions, and through greater collaboration with operational partners, including United Nations

agencies, United Nations Country Teams (UNCTs) and peace missions. This also involves better coordination of various types of OHCHR country engagement efforts and the undertaking of thorough assessments involving different stakeholders, with a view to defining the most appropriate type of field engagement directed at enhancing national human rights protection systems and based on stronger foundations in the work of the United Nations human rights bodies.

11. Currently, OHCHR maintains an operational presence in some 40 countries, which ranges from medium to large stand-alone country offices and human rights components of peace missions to smaller regional offices and individual human rights officers assigned to UNCTs or other partners. In addition, OHCHR is engaged with a number of countries through the provision of technical cooperation and advisory services, support to national institutions, monitoring work, as well as support to country-specific Special Rapporteurs and Independent Experts of the Commission on Human Rights.

12. A number of new field presences of OHCHR were opened last year. Notably, country offices became operational in Uganda, Guatemala and Nepal, of which the latter is currently the largest. OHCHR also continued to support existing country offices. Reports on activities of some of these country offices, namely Cambodia, Colombia, Guatemala, Uganda and Nepal are before the Commission at its present session.

13. As part of the efforts to improve engagement with those countries where OHCHR does not have a direct presence, support at the regional level (in East and Southern Africa, the Pacific, the Middle East and the Gulf countries, South-East Asia and Latin America) has been enhanced. The Office also continued to strengthen relationships with regional organizations. In the Arab region, OHCHR has signed a Memorandum of Understanding (MoU) with the Islamic Educational, Scientific and Cultural Organization (ISESCO) on technical cooperation in the field of human rights. Moreover, OHCHR and the Organization of the Islamic Conference (OIC) agreed to sign a similar MoU in the near future and a training seminar on international and regional systems for human rights was held in Geneva in January 2006 for OIC and ISESCO staff. In Africa, in 2005, OHCHR supported the African Union (AU) in its efforts to strengthen its human rights focus and to ensure the institutionalization of human rights in the AU agenda and programme of work. A human rights adviser deployed in Nairobi since January 2005 has been working successfully on the mainstreaming of human rights into the protocols and projects of the International Conference on the Great Lakes Region.

14. As part of a wider United Nations engagement in the field of human rights, I visited a number of countries during the reporting period. Special account is made in an annex to the present report on my visit to Uganda in January 2006. In July 2005, I was on mission in West Africa, which covered Côte d'Ivoire, Liberia and Sierra Leone. The visits afforded me the opportunity to assess the human rights situation in each of the countries. Among the main issues of concern were impunity, protection of civilians and gender-based violence. I met with a wide spectrum of actors and institutions including representatives of Government, the international community, colleagues from the United Nations agencies and programmes, as well as key national human rights actors. Focusing on three countries with active peacekeeping operations allowed furthermore the development of a coherent strategy aimed at providing substantial support to human rights units in integrated missions, which is part of the Strategic Management Plan of my Office for 2006-2007.

15. During my visit to China in August 2005, I held discussions with various stakeholders on a wide range of issues and signed a MoU with the Government, aimed at supporting preparation for the ratification of the International Covenant on Civil and Political Rights and for implementing the International Covenant on Economic, Social and Cultural Rights. The MoU will constitute the basis for OHCHR programming in China over the next three years.

16. In Latin America, I visited Mexico (June 2005) and Argentina (September 2005). Coinciding with my visit to Argentina, a Presidential Decree was issued to promote the application of the National Plan against Discrimination in Argentina. The development of such a participatory plan was supported last year by OHCHR jointly with UNDP. Argentina has become the first country in Latin America to elaborate such a plan as a concrete follow-up to the 2001 Durban World Conference against Racism.

17. OHCHR continued in its efforts to combat impunity and to respond to the causes of violence and related human rights violations. In Central Asia, much of my attention focused on the killings and the surrounding events that unfolded in mid-May 2005 in Andijan, Uzbekistan. The OHCHR fact-finding mission dispatched to neighbouring Kyrgyzstan called, inter alia, for the establishment of an international commission of inquiry. In December 2005, the General Assembly adopted resolution 60/174, in which it strongly called upon the Government of Uzbekistan to implement the recommendations contained in the mission report.

18. In response to serious allegations of human rights violations in Togo in connection with the presidential elections of 24 April 2005, I commissioned a fact-finding mission to the country and to neighbouring Benin and Ghana in June 2005. The mission concluded that the events in Togo before, during and after the presidential elections were characterized by widespread irregularities, massive violations of human rights and violence, leading to internal displacement of persons and refugee flows to neighbouring countries. My report on Togo recommends putting an end to the current culture of impunity. It emphasizes the need to accompany truth and reconciliation efforts by justice, and stresses the necessity to bring to justice all perpetrators of human rights violations.

III. FORGING LINKAGES BETWEEN HUMAN RIGHTS AND DEVELOPMENT

19. The importance of forging stronger links between human rights and development figures prominently in my Plan of Action. Notably, the Office has an important role to play in ensuring that the human rights aspects of the Millennium Declaration are not lost in efforts to achieve the Millennium Development Goals (MDGs) and has, as such, committed itself to considerably enhance its capacity to support efforts to achieve the Goals and to strengthen their foundation in human rights. To this end, a new unit, the Millennium Development Goals and Human Rights-Based Approach Unit, was established within the OHCHR Research and Right to Development Branch in November 2005. The new Unit's tasks include: integrating development issues into OHCHR's country engagement strategies; providing support to UNCTs; supporting initiatives to apply a human rights-based approach to development and poverty reduction strategies; and coordinating OHCHR involvement on issues relating to the Goals with various partners (e.g. United Nations agencies and programmes, international financial institutions, civil society).

20. Pursuant to my Plan of Action, and as called for by Commission resolution 2005/16, my Office has given high priority to the question of extreme poverty. The Office has continued to support the work of the independent expert on the question of human rights and extreme poverty and of the Sub-Commission. Furthermore, revised “Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies” will be published in the spring of 2006.

21. OHCHR has also continued to provide substantive and administrative support to the follow-up mechanisms to the mandate on the right to development, established by the Commission on Human Rights. I am pleased to report that, at its seventh session, held from 9 to 13 January 2006, the Open-Ended Working Group on the Right to Development adopted criteria for the periodic evaluation of global partnerships from the perspective of the right to development, as recommended by the high-level task force on the implementation of the right to development. This is an important step towards a concrete approach seeking to specifically strengthen human rights activities that foster development. The Working Group’s report is presented to the Commission at its present session (E/CN.4/2006/26).

22. During the past year, OHCHR maintained its support to the work of Member States considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. In 2005, the Office was represented in four conferences or seminars related to the Optional Protocol in Nantes, France, Cascais, Portugal, Lisbon, and Dublin. The third session of the Open-Ended Working Group took place in Geneva in February 2006, when I encouraged Member States to build on national and regional jurisprudence ensuring the legal protection of economic, social and cultural rights by agreeing to draft an optional protocol to the Covenant establishing a communications procedure.

23. Good governance constitutes an important component of development. As a follow-up to the joint OHCHR-UNDP seminar on good governance practices for the promotion of human rights (held in Seoul on 15 and 16 September 2004), OHCHR published a selection of 24 geographically diverse practices, exploring 4 thematic categories: (a) the relationship between the rule of law, governance and the protection of human rights, (b) good governance interventions by service-delivering State institutions demonstrating how transparency, accountability and public participation enhance equitable access, reduce discrimination and strengthen social and economic rights, (c) practices leading to an expansion of representation of societal interests in the democratic process, and (d) cases which demonstrate the link between corruption, good governance and human rights.

IV. FOSTERING PARTNERSHIPS WITH CIVIL SOCIETY AND WITHIN THE UNITED NATIONS SYSTEM

24. My Plan of Action called on OHCHR to particularly focus its efforts on meeting the challenge of fully integrating human rights into the core of the United Nations agendas for development and security. I am grateful for the strengthened support expressed and the commitment demonstrated by the Member States at the 2005 World Summit outcome for further mainstreaming of human rights within the United Nations system as well as in national policies.

25. The “Action 2 Plan”, developed by my Office in cooperation with the United Nations Development Group (UNDG) and the Executive Committee on Humanitarian Affairs (ECHA) in 2003 and subsequently endorsed by 21 Heads of agencies and programmes, is one of the main

tools geared towards strengthening synergies among agencies. Since its official launch in October 2004, the Action 2 global programme has received wide support and interest from donors and potential beneficiary countries and I am encouraged by the increasing number of Resident and Humanitarian Coordinators, UNCTs and Special Representatives of the Secretary-General, who are actively integrating human rights in their work and by applying human rights-based approaches. To support these efforts, OHCHR has provided advisory services through its headquarters, regional and country offices as well as through human rights advisers deployed to Resident Coordinator's Offices. This work has been particularly important in countries recovering from emergency situations such as Pakistan and Sri Lanka where OHCHR has deployed a human rights adviser within each UNCT to support the integration of human rights in the post-earthquake and tsunami humanitarian action. Moreover, nine in-country training workshops for UNCTs were implemented in 2005 to facilitate the integration of human rights in the Common Country Assessments (CCA) and the United Nations Development Assistance Frameworks (UNDAF). OHCHR also provided country profiles containing recommendations and concluding observations of treaty bodies and mechanisms of the Commission to a number of UNCTs.

26. In 2006, as the Action 2 programme enters its full implementation phase and with a number of country pilots envisaged, OHCHR intends to further strengthen its capacity to develop methodological tools and training material, as well as to backstop and deliver training for UNCTs and Resident Coordinators as part of its overall country engagement strategy and efforts to enhance partnerships with the rest of the United Nations system.

27. My Office has stepped up its efforts to deepen its collaboration and support to human rights components of United Nations peace missions. In addition to recruitment of human rights staff for such missions, which continues to remain one of the principal means of promoting the integration of human rights at the country level, OHCHR has sought to explore other areas of cooperation with key United Nations partners (Department of Political Affairs (DPA) and Department of Peace-keeping Operations (DPKO)). These areas include more integrated mission planning and design, elaboration of core human rights functions, role and functions of the heads of the human rights components, mainstreaming of human rights, support and funding of capacity-building activities through joint programming, and others. Moreover, in 2005 I promoted a policy of public reporting on the human rights situation in countries in places where peacekeeping missions are deployed. Regular public reports were issued in Burundi, Côte d'Ivoire, Iraq, Liberia and Sudan in order to assist all parties in finding sustainable solutions.

28. As such, together with DPKO, OHCHR has developed human rights packages for pre-deployment briefings of Special Representatives of the Secretary-General and senior management of peace operations, highlighting key human rights issues in the context of peace processes. In the same vein, I have addressed the new Senior Leaders Induction Programme established by DPKO to brief Special Representatives in January 2006. Senior OHCHR staff participated in similar programmes during 2005.

29. Moreover, efforts are under way for the development of a standardized human rights database for all field offices and in particular the human rights components of peace missions. Access to human rights training/tools is another area where progress has been made, through the development of a CD-ROM start-up package and the organization of pre-deployment briefings

for newly appointed staff, including heads of human rights components of the peace missions. Provision of funding for human rights capacity-building projects by human rights components of peace missions has been a new initiative. So far, nine peace missions have benefited from this type of support and OHCHR will continue promoting similar activities in the future.

30. In a different context, following the judiciary crisis in Ecuador in December 2004, OHCHR jointly with UNDP supported the United Nations observation and monitoring process (*veeduría*), which led to the appointment and establishment of the new Supreme Court of Justice in November 2005. Notably, this United Nations observation, conducted with the participation of the Organization of American States and the Andean Community of Nations, was led by an OHCHR specialized international consultant, as a follow-up to the recommendations made by the Special Rapporteur on the independence of judges and lawyers. This is a concrete example of a joint rapid response to an institutional crisis by the United Nations system.

31. Furthermore, my Office continues to accord priority to the establishment and strengthening of National Human Rights Institutions (NHRIs) to ensure their compliance with the Paris Principles as adopted by the General Assembly in 1993. At their request, tailored advice and information has been provided by OHCHR to a growing number of countries on the legislative framework for new NHRIs and the nature, functions, powers and responsibilities of such institutions. In addition, the Office also continues to support the regional networks of NHRIs. For example, OHCHR works with the African Coordinating Committee of NHRIs to strengthen the Committee's Secretariat to be located on a permanent basis in Kenya. Support is provided to similar networks in the Americas, Asia and the Pacific, and Europe. This is increasingly done with partners such as the Commonwealth Secretariat, Organisation internationale de la Francophonie (OIF) and members of the United Nations family.

V. STRENGTHENING THEMATIC EXPERTISE

Equality and non-discrimination

32. Through its Anti-Discrimination Unit, OHCHR continues to support the implementation of the Durban Declaration and Programme of Action. The Office provided substantive and organizational support to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent persons (E/CN.4/2006/18, E/CN.4/2006/19 and Add.1, and E/CN.4/2006/20, respectively). More detailed information about activities, including cooperation with intergovernmental and non-governmental organizations, is contained in the report of the Secretary-General to the General Assembly (A/60/307 and Corr.1 and 2) and my progress report to the Commission on the implementation of the recommendations of the Intergovernmental Working Group (E/CN.4/2006/15).

33. Pursuant to Commission resolution 2005/3, I expedited a broad consultative process on examining the possibility of developing a racial equality index. My Office conducted research into the determining conceptual aspects of such an index as well as a mapping exercise on earlier initiatives and promising practices in countries and by organizations on efforts to develop a similar index. A draft basic document on the proposed index was submitted to the Commission (E/CN.4/2006/14).

34. Moreover, my Office, together with the Division for the Advancement of Women (DAW), for the first time organized a workshop on the implementation of concluding comments/observations of the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination against Women (CEDAW). This sub-regional workshop, held from 19 to 22 December 2005 in Cairo, Egypt, was facilitated by CEDAW and CERD experts and attended by more than 50 participants from Algeria, Egypt, the Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia, representatives of United Nations agencies and programmes and of the League of Arab States. In addition, CERD in 2005 adopted a declaration on the prevention of genocide as well as a decision identifying indicators of patterns of systematic and massive racial discrimination. The Committee also adopted a general recommendation on the prevention of racial discrimination in the functioning and administration of the criminal justice system.

35. In 2005, I identified the need to strengthen OHCHR expertise and capacity in the area of women's human rights and decided to establish a Women's Human Rights and Gender Unit, to be set up in the course of 2006. With a broad focus on overcoming discrimination, including violence against women, the Unit will: support OHCHR advocacy and country-engagement strategies and programmes; facilitate mainstreaming of women's human rights and gender issues within OHCHR activities; provide specialized support to the treaty bodies and special procedures; develop policies, research, analysis and advice; enhance OHCHR participation in relevant inter-agency initiatives; and develop partnerships with United Nations agencies and civil society to enhance women's human rights.

36. In my previous report to the Commission (E/CN.4/2005/12), I noted that sexual violence during times of conflict continued to be a source of major concern for the Office. Unfortunately, widespread sexual violence continues to be used as a weapon of war in several conflicts around the world, including in the Democratic Republic of the Congo and the Sudan. This would need to be seriously addressed by the international community, and will continue to be an important priority for my Office.

37. OHCHR continued to work on the promotion and protection of the rights of indigenous peoples. As noted in the World Summit Outcome Document, the early adoption of the draft United Nations declaration on the rights of indigenous peoples must be a priority of Member States. The Office will also strengthen its capacity-building work aimed at indigenous peoples through the Indigenous Fellowship Programme and the implementation of community-led training initiatives at the country level. The indigenous component of the OHCHR/UNDP Human Rights Strengthening Project (HURIST) includes activities in Bolivia, Ecuador, Guatemala and Kenya. More detailed information on the activities of OHCHR on indigenous issues can be found in the report of the High Commissioner on indigenous issues (E/CN.4/2006/77).

38. As a follow-up to the International Decade of the World's Indigenous People (1995-2004), the joint UN-HABITAT/OHCHR United Nations Housing Rights Programme (UNHRP) supported, financially and substantively, the realization of a major research project on indigenous peoples' right to adequate housing. As a result, a study was finalized beginning of 2005, entitled "Indigenous peoples' right to adequate housing - A global overview", as a preliminary effort to identify whether, and to what extent, indigenous peoples

enjoy the right to adequate housing in different regions of the world and identify strategies that might assist in the realization of this right.

39. OHCHR continued to support the work of the Ad Hoc Committee of the General Assembly on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, submitting a number of background papers on specific issues to the fifth, sixth and seventh sessions of the Committee, to facilitate its deliberations. On 27 January 2006, I addressed the Ad Hoc Committee. I strongly believe that existing standards and mechanisms have not provided sufficient protection in the specific cases of persons with disabilities and, in this context, I assured the Ad Hoc Committee of my commitment to increasing awareness of the human rights challenges faced by persons with disabilities through efforts both within the United Nations system and in my Office.

40. As a serious human rights and development challenge, the crime of human trafficking has continued to be a focus of OHCHR work. Despite its overwhelming human rights and development dimensions, trafficking continues to be addressed as a “law and order” problem. OHCHR’s anti-trafficking programme follows a two-pronged strategy, focusing on one hand on victim protection and assistance, and on the other on prevention by examining root causes in the area of development.

41. The recent past marks a critical phase in anti-trafficking work, as crucial standards have been set. The task is now to ensure that these standards are implemented with due regard to the human rights of those affected. By coordinating the Intergovernmental (IGO) Contact Group on trafficking and human smuggling - which includes as members United Nations High Commissioner for Refugees, International Labour Organization, International Organization for Migration, United Nations Children’s Fund, World Health Organization and the NGO Caucus - OHCHR supports effective human rights-based advocacy on the issue of trafficking within the United Nations system and in cooperation with civil society organizations. My Office has also produced multilevel advocacy tools and manuals based on OHCHR’s Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1), in an attempt of rights-based capacity-building of anti-trafficking practitioners at the international, regional and national level. OHCHR has also collaborated with the Office of Democratic Institutions and Human Rights (ODIHR) and UNICEF on studies on human trafficking in South-East Europe and the Caucasus, and conducted an experts’ consultation on legal strategies to pursue the prosecution of demand for sexual and labour exploitation. At the same time, projects focusing on the identification of indicators for trafficking and an analysis of trafficking initiatives from the standpoint of human rights were undertaken in 2005. OHCHR is also collaborating with the Economic Community of West African States secretariat to strengthen the human rights approach in addressing issues of trafficking and migration in West Africa.

42. International migration issues will be high on the agenda in 2006. An interactive round table on measures to ensure respect for and protection of the human rights of all migrants, and to prevent and combat smuggling of migrants and trafficking in persons will be held in September 2006 in New York, within the framework of the General Assembly’s High-Level Dialogue on International Migration and Development. In this connection, the Committee on Migrant Workers has held a day of general discussion on “Protecting the human rights of all migrant workers as a tool to enhance development” on 15 December 2005. A written

contribution to the General Assembly on this subject is to be adopted at the Committee's fourth session in April 2006. Moreover, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is one of the key conventions to be promoted within the context of the 2006 treaty event entitled "Crossing Borders". On this occasion, I urge all Member States, in particular those that host significant numbers of migrant workers, to ratify the convention. In the framework of the Geneva Migration Group, my Office will continue to work, along with other members of the group, to improve the overall effectiveness of the United Nations and the international community's policy and operational response to the opportunities and challenges presented by international migration and for the promotion of the wider application of all relevant international and regional human rights instruments and norms relating to migration.

Rule of law and democracy

43. The Plan of Action underscores that "human rights standards must underpin any meaningful conception of democracy" and recognizes that giving effect to democratic principles requires, inter alia, the building of strong laws and institutions of democratic governance as well as independent oversight mechanisms. OHCHR's expertise in the area of the rule of law as well as on rights-based approaches to development programming, including poverty reduction strategies, places it amongst the principle United Nations bodies to provide capacity-building programmes designed to give effect to the concept of holistic democracy. OHCHR has also been providing support to the United Nations Democracy Fund (UNDEF) since its recent inception. Moreover, OHCHR has reviewed, on request, draft constitutions from States, and made comments on their potential compatibility with human rights standards and democratic principles.

44. OHCHR continues its work in the area of the administration of justice, including the administration of justice through military tribunals; the accountability of international personnel taking part in peace support operations; women and children in prison; and the right to a remedy for violations of human rights. With regard to the judiciary, OHCHR's technical cooperation activities include the training of judges, lawyers and prosecutors and the preparation of human rights educational material.

45. In the context of transitional justice, OHCHR is continuing its development of rule of law tools for post-conflict situations to provide practical guidance to field missions and transitional administrations. Five tools have been completed in 2005 (Mapping the Justice Sector, Prosecution Initiatives, Truth Commissions, Vetting, and Monitoring Legal Systems) and a new policy tool on legacy and hybrid tribunals is being developed. This tool will explore the potential positive impact of hybrid tribunals on the domestic justice system in post-conflict situations. OHCHR also organized a seminar on the right to truth in Geneva from 17 to 18 October 2005, as part of the process of elaborating a study on this subject as requested by the Commission in its resolution 2005/66.

46. OHCHR has continued to advocate that measures taken by States to combat terrorism be in conformity with international human rights law, humanitarian and refugee law. A related report entitled "Protection of human rights and fundamental freedoms while countering terrorism" is before the Commission at its present session (E/CN.4/2006/94).

VI. EMPOWERING RIGHTS-HOLDERS

47. Important developments in the elaboration and ratification of new legal instruments for the protection of civil and political rights did take place. In September 2005, the Intersessional Open-Ended Working Group, during its fifth session, completed its work on a draft legally-binding normative instrument for the protection of all persons from enforced disappearances. The new draft Convention seeks to fill the current gaps in international human rights law in the fight against the phenomenon of enforced disappearances and foresees the creation of a new Committee with innovative victim-oriented functions. The Committee thus created would not only consider reports from States parties and examine individual complaints, but it would also be able to conduct country visits and to approach States when the information before the Committee appears to indicate that a person might have been a victim of an enforced disappearance.

48. As for the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in 2002, 10 additional States ratified the Protocol in the course of 2005, thus bringing the total number of ratifications, by 1 February 2006, to 16. It is my hope that this number will further increase during 2006 to allow the Protocol to enter into force. This new instrument in the fight against torture provides for innovative monitoring mechanisms, including regular visits to places of detention and collaboration between international and national mechanisms of prevention.

49. Well-conceived human rights education and training programmes are significant tools for empowering rights-holders and enabling State institutions to fulfil their protection. The first phase (2005-2007) of the World Programme for Human Rights Education, which I coordinate, is dedicated to the integration of human rights education into the primary and secondary school systems, and a related Plan of Action (A/59/525/Rev.1) was adopted by the General Assembly in July 2005. This Plan highlights that human rights education consists of both, integrating human rights into all educational processes and tools (i.e. curricula, textbooks, materials, methods and training) and the practice of human rights within the education system. The main responsibility for implementing the Plan of Action rests with the Ministry of Education in each country and therefore, in order to encourage its implementation and at the same time offer assistance if required, the Director-General of UNESCO and myself have addressed personal letters to the Ministers of Education of all Member States.

VII. STEWARDING LEADERSHIP

50. In line with the Plan of Action, my Office continued the dialogue with special procedures mandate holders. As part of the overall efforts to enhance and strengthen the effectiveness of the special procedures system, pursuant to Commission decision 2005/113, an open-ended seminar was held from 12 to 13 October 2005 in Geneva. The Seminar provided an opportunity for Member States, mandate holders, NGOs and representatives from United Nations agencies and programmes to engage in a constructive and informed dialogue and to discuss various ways to substantially strengthen and further enhance the special procedures system. Participants generally recognized the important contribution of the special procedures mechanisms to the

promotion and protection of human rights and expressed their wish that the system be retained as an integral part of a future Human Rights Council. Participants also shared the view that further harmonization of working methods, enhanced coordination and systematic follow-up was required in order to strengthen the system. A summary of the discussions is reflected in a separate report submitted to this session (E/CN.4/2006/116).

51. The Coordination Committee, established during the 12th annual meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights, held in Geneva in June 2005, will play a pivotal role in this process. Emphasizing the importance of enhancing the effectiveness of the special procedures, both in terms of the functioning of each mandate and of the system as a whole, the Committee seeks to further facilitate the interaction with my Office and to foster the capacity of the special procedures mechanisms to function as a system in responding to common challenges and concerns. Moreover, as reflected in the report submitted to the present session (E/CN.4/2006/4), the meeting provided an opportunity for participants to share views on the Human Rights Council, the Secretary-General's overall reform agenda and on the Plan of Action.

52. My Office has also continued to support the treaty bodies in their efforts to develop a more coordinated approach to their activities and to standardize their various reporting requirements as suggested by the Secretary-General in his second reform report (A/57/387, para. 54). Following the Secretary-General's call in his report *In larger freedom* for the implementation of harmonized guidelines on reporting to all treaty bodies, so that these bodies can function as a unified system, a technical working group consisting of representatives of each of the treaty bodies was established to finalize harmonized guidelines on reporting, including guidelines for an expanded core document.

53. The Plan of Action equally called for the finalization of such guidelines, and emphasized the ultimate objective of the human rights treaty body system to ensure the greatest possible level of protection for all rights-holders. In order to further strengthen the monitoring system and thereby enhancing the impact of the human rights treaty system, particularly at the national level, I stated that proposals on the creation of a unified standing treaty body (A/59/2005/Add.3) will be transmitted to an intergovernmental meeting in 2006 for consideration. Consequently, a process of consultations with treaty bodies and other stakeholders was initiated. The reform discussions essentially emphasize the importance to further the uniform interpretation of treaty provision; to intensify the scrutiny of implementation of obligations at the national level; to increase the visibility of the treaties and the treaty bodies; to further facilitate access to the treaty bodies; and finally, to maximize the efficiency and the quality of the monitoring process, in particular against the background of non-submission of reports, backlog in their consideration, and the relatively limited use of other monitoring mechanisms, such as the communications and inquiries procedures.

54. Since last year, when I presented my first report as High Commissioner for Human Rights to the Commission, the discussion on the reform of the United Nations human rights system evolved in a most significant manner, culminating with the World Summit and its outcome document. It was indeed striking that world leaders confirmed, at such a critical moment, the centrality of human rights and the importance of strengthening their promotion and protection.

55. In particular, the outcome document of the Summit paved the way for the creation of a Human Rights Council. At the time of preparing this report, we are eagerly awaiting the outcome of the negotiations that are currently taking place in New York. The Commission's legacy, the crucial and defining role it has had in the field of human rights for six decades, should indeed be honoured and carried forward in the most appropriate manner. The special procedures, a system which was developed by the Commission over the years, has played a crucial role in past decades and should be transferred to the Human Rights Council when established. Similarly, the new Council should preserve the close relationship with civil society through national institutions and non-governmental organizations. It should also continue to be able to address human rights violations wherever they may occur. The setting up of a universal review system may prove to be a valuable tool in reducing the potential for polarization and politicization in this regard. Another asset would be for the Council to be able to meet more frequently and in an easier manner than in the current setting. All this should go hand in hand with increased capabilities in the areas of technical cooperation and advisory services.

56. Whatever the circumstances, my Office will remain determined to provide support, in the most efficient and professional manner, to the Commission as well as to the new body when it is established.
