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HUMAN RIGHTS FOR DEVELOPMENT

UNDP NEWS BRIEF, VOL. 3

I. EDITORIAL

It is my great pleasure to present to you the 2010 issue of the Human Rights for Development News Brief. As with the previous issue and with our continued expansion of the global network, we are able to cover a range of topics that I hope you will find useful.

This issue reflects, albeit succinctly, the major developments of the past year in human rights for development. These advancements are most eloquently captured in an interview with the Deputy High Commissioner for Human Rights, Kyung-wha Kang, as she reflects on the review of the Human Rights Council, its Universal Periodic Review (UPR) and the establishment of the United Nations Development Group's Human Rights Mainstreaming Mechanism. The establishment of this mechanism is an affirmation of the value placed on human rights for development within the UN system and recognition of the impact of enhancing system-wide coordination, which complements and supports the different UN agency mandates.

Expanding on the global reflections of the Deputy High Commissioner, the News Brief contains various articles on regional and country discussions regarding the Universal Periodic Reviews that clearly articulate the challenges and experiences of engaging with this process. As we near the end of the first cycle of this evolving process, and in preparation for the next cycle, it is essential to critically evaluate and assess our own engagement as UN agencies at the global, regional as well as country levels. The connection between the Millennium Development Goals and UPR processes is a trend UNDP will certainly track during this cycle to better understand the apparent systemic gap between these two processes as we gear up for 2015.

The commitment States made in the Millennium Declaration "to spare no effort" when they resolved to promote democracy, the rule of law, human rights and fundamental freedoms was reviewed at the High Level Plenary meeting this past September.

Some of these discussions are captured in the article 'The MDG Summit Reflection on Governance and Human Rights'. Combining efforts, resources and strengthening partnerships during this global economic turmoil was the key message and considered fundamental to accelerating the progress envisaged in the Outcome Document. To this end the News Brief will be compiling articles on how to translate it into practice.

On this note, the editorial team expresses its appreciation for the contributions and submitted assistance of colleagues in securing interviews. Special thanks are also given to the Deputy High Commissioner and other colleagues for their time and for sharing their reflections.

I trust that the articles in this edition will spark discussions. This was certainly the intention of the past editor, Patrick van Weerelt, whose brainchild was the News Brief. I wish him well and express my appreciation for his support, direction and the high standards he set.

As we close 2010, may I also take the opportunity of thanking colleagues in UNDP as well as at the interagency level for their warmth and support in helping me settle into this portfolio. It has certainly been a challenging yet extremely exciting year.

May I wish all of you a fulfilling and productive 2011.

A handwritten signature in black ink, appearing to read 'Shireen Said'.

Shireen Said

Policy Adviser on Human Rights

*Democratic Governance Group/Bureau for Development Policy,
UNDP HQ, New York.*

II. OUR COMMUNITY OF PRACTICE

THE FIRST-EVER GLOBAL HUMAN RIGHTS COMMUNITY OF PRACTICE MEETING TO REVIEW UNDP ENGAGEMENT IN THE AREA OF HUMAN RIGHTS AND DRAW RECOMMENDATIONS FOR FUTURE WORK

The first-ever, weeklong Community of Practice (CoP) meeting was held October 2009 at the UN System Staff College in Turin, Italy. It had four main objectives: (a) to enable UNDP practitioners to fully understand the scope of UNDP's human rights mandate; (b) to update and engage UNDP practitioners on emerging issues in human rights and development; (c) to draw on the know-how of outside experts such as UN Special Rapporteurs and UN Independent Experts; and (d) to clarify UNDP's role with respect to other agencies such as the UN Office of the High Commissioner for Human Rights.

With the attendance of 80 staff from over 40 UNDP Country Offices, Regional Centres and Bureaus, leadership of the Office of the High Commissioner for Human Rights, including the Deputy High Commissioner for Human Rights, a Vice-President of the UN Human Rights Council, Senior UNDP Directors and the Director of the Department for Empowerment, Democracy, Human Rights and Gender Equality, Swedish International Development Cooperation Agency (SIDA), the following topics were discussed:

- UNDP in the UN System and Human Rights Machinery (including the UPR, Treaty Bodies and the Human Rights Council's Special Procedures);
- UNDP engagement with region-specific and thematic human rights issues, in collaboration with the National Human Rights Institutions; and,
- managing of knowledge for human rights across UNDP and partners.

Throughout the working group and plenary discussions, participants shared methodologies and examples of good practices in the UNDP strategic areas of intervention.

In the follow-up to the CoP, the UNDP human rights team, with the support of the Global Human Rights Strengthening Programme, through its global, regional, country and cross-practice "windows", has initiated activities to respond to the demands identified by the Community of Practice.



Participants of the Human Rights Community of Practice, October 2009, UN System Staff College, Turin, Italy.

These include:

- development of knowledge products to support the human rights work in UNDP Country Offices, to launch the 'UNDP-OHCHR Toolkit for Collaboration with National Human Rights Institutions' and the 'UNDP Resource Guide on Marginalized Minorities in Development Programming';
- documentation of UNDP experiences and providing guidance for work on the human rights machinery, including the UPR and the Special Procedure Mandate Holders;
- exploring emerging human rights issues and trends, and elaborating UNDP's strategy accordingly; and,
- strengthening collaboration with partners.
- Through the community of practice, its policy and programming support as well as partnership and knowledge management, UNDP continues to advance on its human rights mandate: human rights for development.

The next CoP will take place in 2011 to amongst others: review progress, assess recommendations and engage on current human rights issues.

Zanofer Ismalebbe

Human Rights Adviser

Programme and Team Manager,

Global Human Rights Strengthening Programme

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III. HUMAN RIGHTS MACHINERY

WEST AND CENTRAL AFRICA REGIONAL MEETING ON THE UNIVERSAL PERIODIC REVIEW

“Coordination among ministries and national consultations of CSOs are essential for the preparation for and follow-up of the review.”

— statement by a participant at the West and Central Africa Regional Meeting in Dakar

The UNDP Regional Centre in Dakar and OHCHR Regional Office for West Africa, organized a West and Central Africa Regional Meeting on the Universal Periodic Review, held from 6-8 July 2010 in Dakar, Senegal. The objectives were to strengthen the capacity of partners to access the necessary tools and knowledge in preparation for the Universal Periodic Review and to examine implications for the review's follow-up at the national level. Participants shared experiences and practices as well as demonstrated how the UPR can be used as a practical and tangible tool by governments and other actors in the subregion when assessing and analyzing the human rights environment. The Regional Meeting also better equipped United Nations Country Teams (UNCTs) with the tools and knowledge required to meaningfully assist Member States in the implementation of their UPR commitments before, during and after the session in Geneva.

The meeting brought together a total of 75 participants from 18 countries in the sub-region, comprised of government officials, UNCT human rights focal points and coordination specialists, and representatives of CSOs and National Human Rights Institutions (NHRIs). Included were countries that had already underwent the UPR process and countries that were preparing for the UPR, which is scheduled to take place during the second half of 2010 or 2011.

“This meeting was very practical. I have learned step by step about the UPR process and how the governments can prepare for this review.”

— statement by a participant at the West and Central Africa Regional Meeting in Dakar

The meeting opened with a video message by the current President of the Human Rights Council in Geneva, the Ambassador of Thailand, SIhasak Phuangketkeow. Several high-level officials participated in the meeting, including the Minister of Human Rights, Democracy and Civic Training of the Republic of Togo, Rita Doris Léonardina Wilson de Souza; the Ambassador of the Republic of Gambia to the United Nations in Geneva, Marie Saine Firdaus; Ambassador Cheikh Tidiane Thiam, Director of Judiciary and Consular Affairs of the Ministry of Foreign Affairs of the Republic of Senegal; the UN Resident Coordinator in Gambia, Chinwe Dike, and Bacre Ndiaye, Director of Special Procedures and Human Rights Council Division, OHCHR Geneva.

The meeting was divided into three main parts: 1) the preparation for the UPR, including the role of the different stakeholders and the UNCT in the preparatory phase; 2) the conduct of the review in the Working Group and the Human Rights Council Plenary session in Geneva; and, 3) methods, experiences and practices for the follow-up to the UPR recommendations.

During the three days of the conference, the participants had extensive exchanges on the different steps of the UPR process, including the preparation, the review and the follow-up stages of the UPR process. Participants from several subregion States that already underwent the UPR, such as Burkina Faso, the Gambia, Senegal, Gabon, Mali and Ghana, presented their experiences in the preparation phase and the methods adopted to work on the implementation of the recommendations. A Government representative from Switzerland explained how the Government engaged in a national consultation process, and a representative from the UNCT Eritrea presented on how the UNCT supported the Government with regard to the preparation of the national report and the implementation of the recommendations through the creation of a National Action Plan on Human Rights.

It was emphasized that the UPR is an equal, continuous and inclusive process led by States that ask for the commitment and coordinated efforts of national authorities. Participants concluded that NHRIs and CSOs should be involved in the different phases of the UPR process and that efficient implementation of the recommendations is only possible with the commitment and participation of all relevant stakeholders at the national level. Furthermore, it was noted that the UNCTs and other UN agencies play an important role in ensuring that Governments have the information and capacity to produce

III. HUMAN RIGHTS MACHINERY

a solid and representative report, that there is wide national ownership and engagement in the UPR process and UNCTs play a supporting role engaging in capacity development of Governments to implement the recommendations that result from this process.

“Our support for the UPR process has facilitated our dialogue with the Government on human rights issues.”

— statement by a participant at the West and Central Africa Regional Meeting in Dakar

Isabelle Tschan Harada

Policy Specialist,
Human Rights and Access to Justice
UNDP Regional Centre, Dakar

UNIVERSAL PERIODIC REVIEW: ASSISTANCE BY UNDP TURKMENISTAN

UNDP Turkmenistan is an example of a Country Office (CO) that has provided ongoing support to the Government in preparing for the Universal Periodic Review and, currently, for implementing recommendations and follow-up, in partnership with OHCHR and, more recently, the EU.

Turkmenistan was scheduled to report under the UPR mechanism in December 2008. In preparation for this, the UNDP CO provided technical advice to the Government of Turkmenistan within the framework of the joint UNDP/OHCHR project ‘Building of reporting capacity in Turkmenistan’, which was implemented in partnership with the National Institute of Democracy and Human Rights. In addition, the project provided support to the UNCT on the role of UN agencies during the UPR process.

In partnership with OHCHR, national counterparts were provided with technical support throughout the UPR process. This included several seminars on the goals of reporting and understanding the review process. Participants also received assistance with translating and disseminating relevant official

documents into Russian, along with other consultations. Additionally, a seminar was organized for the UN Theme Group on Gender and Human Rights. This seminar highlighted the goals, review processes and necessary information that UN agencies are required to submit to OHCHR for compilation in the UN stakeholders’ report.

UNDP Turkmenistan is already engaged in providing technical support in the form of capacity-development efforts within the framework of the joint EU/UNDP/OHCHR project ‘Strengthening the national capacity of Turkmenistan to promote and protect human rights’, which started in 2009. Activities undertaken so far include a study tour to OHCHR Geneva for a number of relevant high-level officials. Participants observed Kazakhstan’s UPR outcome session and took part in the translation of the UPR outcome document into Turkmen. They were also included in number of capacity-development activities, including: a workshop to review compliance of domestic legislation with the UN Convention against Torture (CAT); promotion of ratification of the new human rights instruments, such as the Optional Protocol to the CAT; a workshop on the Paris Principles. Additionally, a series of workshops were held in all regions of Turkmenistan to increase awareness of the principles of the proper administration of justice, as contained in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), CAT, CEDAW and the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

We anticipate that the follow-up process to the UPR will be slow given there is little international experience on the matter. However, a recent visit by the UN Secretary General to Turkmenistan created momentum, as UPR follow-up was discussed at the highest political level. In addition, our national counterparts have stated their commitment to implementing the UPR recommendations.

Irina Liczek

Team Leader/Chief Technical Specialist
EU/UNDP/OHCHR Project

‘Strengthening the national capacity of Turkmenistan to promote and protect human rights.’

UNDP, Turkmenistan

III. HUMAN RIGHTS MACHINERY

ORDER OF REVIEW FOR THE ELEVENTH SESSION OF THE UPR WORKING GROUP (2-13 MAY 2011)

1. Belgium	5. Seychelles	9. Singapore	13. Saint Vincent And The Grenadines
2. Denmark	6. Solomon Islands	10. Suriname	14. Sudan
3. Palau	7. Latvia	11. Greece	15. Hungary
4. Somalia	8. Sierra Leone	12. Samoa	16. Papua New Guinea

UN ENGAGEMENT WITH THE TREATY BODY PROCESS: AN EXAMPLE FROM GUINEA-BISSAU

Guinea-Bissau ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985 and its optional protocol in 2009. The national Institute for Women and Children (IMC) led the writing process of the Combined Initial Report to the 6th Periodic Report with support from the UN System. The Government then presented the report in 2009 and has since taken a number of steps to implement the Committee's Concluding Observations^[1] across several sectors and through various strategies in close technical and financial collaboration with the UN.

The Office of the Resident Coordinator (RCO) and the UN Development Fund for Women (UNIFEM) supported the IMC to secure a visit from the UN Division for the Advancement of Women (DAW) and a former member of the CEDAW Committee to present CEDAW and the recent Concluding Observations to Members of Parliament (MPs), representatives of the Government and Civil Society Organizations (CSOs) as well as other decision-makers and stakeholders such as religious leaders.

The objective, amongst others, was to stimulate and sensitize MPs prior to their annual session in order to increase the possibility of Parliament adopting laws against gender-based violence (GBV) and other harmful practices, including female genital mutilation (FGM) and early or forced marriage. Additional efforts towards a more gender-aware Parliament are ongoing to ensure the adoption of these laws in the near future, such as at a special session on Violence against Women (VAW) in Parliament on the 25 of November, the international day for the elimination of VAW.

The Committee further urged the Government to continue seeking support from the UN system in regards to mainstreaming gender across all programmatic areas and policies,

and to place special focus on the rule of law to reduce political instability and increase access to justice. Most line ministries are now aware of this necessity, and the UN System in Guinea-Bissau, through the initiative of the members of the interagency Gender Theme Group, supports the mainstreaming of gender within all processes and national priorities, as is the case of the 2nd Poverty Reduction Strategy Plan (PRSP) and Security Sector Reform. The UN as well as governmental staff often make reference to CEDAW and the Concluding Observations as a tool to hold decision makers accountable with respect to their legal engagement towards women. This approach is particularly useful when individuals or groups question women's empowerment on cultural grounds, since they can then make reference to the Committee's recommendations indicating that the Government has legally committed to promote gender equality under international law. It is a useful instrument, albeit not always immediately effective in the context of a highly political and unstable Least Developed Country due to a lack of resources and effective mechanisms.

A major concrete result from the UN support to the government engagement with the CEDAW process, is the elaboration of a National Gender Policy. The process had already started in Guinea-Bissau, however, since the Committee not only recommended the adoption of a policy in general, but gave several concrete recommendations on the creation of gender-sensitive statistics as well as on the reduction of the educational gap between girls and boys, access to health care for all women to reduce maternal mortality and the adoption of temporary special measures in politics, to name a few, it is much easier to advocate for this wide-ranging and crosscutting policy with the CEDAW recommendations in hand.

Antje Kraft

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[1] Text of the concluding observations can be found at <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/GNB/CO/6&Lang=E>

IV. NATIONAL HUMAN RIGHTS INSTITUTIONS

UNDP Administrator addresses the International Coordinating Committee (ICC) of the National Human Rights Institutions (NHRIs) for the Promotion and Protection of Human Rights

– Geneva, 23 March 2010

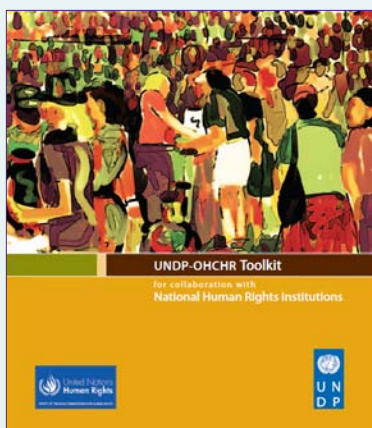
UNDP Administrator Helen Clark stated that UNDP's relationship with NHRIs flows from the core mission of human development. She reaffirmed that NHRIs that comply with the Paris Principles play an especially important role in advocating that the provisions of human rights treaties be reflected in legislation, policy and practice, and play a crucial role in creating an environment where human development can thrive. Whereas the denial of human rights and the persistence of exclusion and discrimination, and a lack of accountability are barriers to the pursuit of human development and the MDGs. The Administrator informed the ICC that UNDP works to strengthen the capacity of NHRIs and to create these institutions where they don't exist. She also called on UN Country Teams to further draw on the independent and authoritative knowledge housed within NHRIs as a key source of information and analysis. In addition, she drew attention to the UNDP/OHCHR Toolkit for Collaboration with National Human Rights Institutions as a means to enhance



UNDP Administrator, Ms. Helen Clark,
High Commissioner for Human Rights – Ms. Navi Pillay

the collaboration between the UN and NHRIs. The Administrator stated that UNDP was privileged to be able to support NHRIs and is looking forward to strengthening partnerships with the ICC, regional coordinating networks, the Office of the High Commissioner for Human Rights and global, regional and national human rights institutions to pursue this endeavor.

UNDP-OHCHR TOOLKIT FOR COLLABORATION WITH NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIS)



UNDP-OHCHR Toolkit for Collaboration with
National Human Rights Institutions

With the support of the UNDP Global Human Rights Strengthening Programme (2008–2011), the Democratic Governance Group of the Bureau for Development Policy and the UN Office of the High Commissioner for Human Rights completed the UNDP-OHCHR Toolkit for Collaboration with National Human Rights Institutions. It was jointly launched by the UNDP Administrator and the High Commissioner for Human Rights on 10 December 2010. The creation of the Toolkit was overseen by the Human Rights Commissions of India, South Africa and Uganda, and the Danish Institute for Human Rights.

This Toolkit is intended primarily to support UNCT staff who have little or no working experience with NHRIs, as well as those who have a better understanding but nonetheless need practical tools and guidance to support the establishment, consolidation or assessment of these important institutions. Concrete tools are drawn from a wide range of UNDP and OHCHR projects and programmes from every region of the world but include interagency examples and real life situations as well.

Secondary audiences include NHRIs and civil society, as well as other partners in the development community who would like a better understanding of the UNCT perspective and approach.

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FIRST SUB-REGIONAL MEETING OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS; BRATISLAVA REGIONAL CENTRE

The first sub-regional meeting of National Human Rights Institutions (NHRIs) from Caucasus and Central Asia took place September 30 to October 1 2010 in Aghveran, Armenia. The subject of the meeting was 'Promoting Minority Rights and a Gender Equality Agenda: The Role of Independent and Effective National Human Rights Institutions'. Jointly Organized by the Office of the Human Rights Defender, Armenia, and UNDP Bratislava Regional Centre (BRC) in collaboration with UNDP Armenia, the event brought together NHRIs from this sub-region and respective UNDP colleagues from Country Offices, the BRC and Headquarters. Some external experts were invited to deliver presentations and share the latest experiences of other countries in the region.

Trends, strategies and challenges regarding the efficiency of NHRIs with a particular focus on gender equality and minority protection were discussed in detail. The meeting urged NHRIs and UNDP Country Offices in the region to strengthen existing initiatives and integrate them into national policy discourse and corresponding development programming. The main recommendations that came out of the meeting are as follows:

INDEPENDENCE AND EFFICIENCY OF THE NHRIS

Based on the premise that independence is critical to the effective functioning of NHRIs both in carrying out their respective normative functions and in achieving legitimacy at the national level, the meeting stressed the need for the legal, financial and functional/operational independence of NHRIs in line with the Paris Principles. Participants and resource persons underlined that with the support of UNDP, NHRIs ought to play a fundamental role in creating diverse and tolerant societies that protect minorities and promote gender equality.

PROMOTION OF GENDER EQUALITY

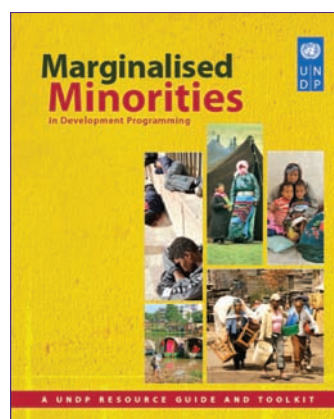
Gender equality is central to the achievement of MDGs and the development-effectiveness agenda. The meeting urged NHRIs and UNDP Country Offices in the region to strengthen existing initiatives and to integrate them into national policy discourse and corresponding development programming. It was agreed the BRC Human Rights and Justice team will join forces with the BRC Gender team to strengthen the knowledge and skills of NHRIs to protect

equality between men and women as is in accordance with the countries' legal commitments and NHRI mandates, in particular through partnerships with relevant government offices and CSOs.

PROTECTION OF MINORITIES

The meeting stressed the particular role of NHRIs regarding reporting on, advising about and litigating of human rights violations that are systematic or targeted at marginalized communities where existing reporting or human rights action is unlikely to reflect the actual scale of violation. NHRIs can apply their institutional weight to ensure that victims are properly represented by undertaking studies, raising public awareness and supporting victims with administrative remedies. The meeting urged NHRIs and UNDP Country Offices in the region to integrate these initiatives into national policy discourse and development programming;

The meeting also hosted the regional launch of the UNDP Resource Guide and Toolkit: Marginalized Minorities in Development Programming. The Resource Guide enhanced the understanding of the key issues and rights of minorities. It identified institutions and mechanisms at international, regional and national levels for the promotion and protection of minority rights. The Resource Guide is available at <http://content.undp.org/go/cms-service/download/publication/?version=live&id=2561210>



UNDP Resource Guide and Toolkit:
Marginalized Minorities in
Development Programming

Monjurul Kabir

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UNDP Europe & CIS, Bratislava Regional Centre*

IV. NATIONAL HUMAN RIGHTS INSTITUTIONS



Participants of the meeting 'Promoting Minority Rights and a Gender Equality Agenda: The Role of Independent and Effective National Human Rights Institutions' October 2009, Aghveran, Armenia

SUPPORT TO NEPALI NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

Nature of UNDP's support to the Nepali National Human Rights Commission (NHRC)

UNDP has been supporting the NHRC in collaboration with the OHCHR since 2002. The first phase of the project, 'Capacity Development of the National Human Rights Commission' (CDNHRC), focused on providing logistical, institutional and overall technical support to the NHRC for the promotion, protection and full realization of human rights in Nepal. The CDNHRC project was implemented during a challenging period in Nepal's history. Beginning at the height of the country's conflict, the project established a fledgling Commission to address a wide range of human rights issues. The CDNHRC project stayed in effect during the absence of Commissioners, allowing for the creation of policies and strategies. Under its auspices, guidelines were drafted on the handling of complaints and detention monitoring. Financial and administrative regulations, do-no-harm policies and community strategies were developed. Also, the capacity of staff to document, report and investigate human rights violations was strengthened. In addition, the project supported the NHRC with outreach expansion at the local level. The project provided all support for the fulfillment of the mandate for the Human Rights Commission Act, 1997.

With the changing situation and the mandate of the NHRC through the Interim Constitution of Nepal 2007 and 2006 Comprehensive Peace Accord, the project was revised to support the NHRC to undertake additional responsibilities, such as training and strengthening the capacity of a range of actors: rule of law representatives, human rights defenders and civil society members. With respect to legislative interventions, the project also has been supporting the NHRC review of relevant laws from a human rights perspective.

Key achievements of the projects are as follows:

- NHRC capacity developed in the areas of management and administration, infrastructure, human rights promotion and advocacy, and building alliances with civil society;
- NHRC capacity developed to monitor the human rights situation, investigate serious violations of human rights, and take all the necessary actions within its power.

Since the NHRC was in need of further support to fulfill its expanded responsibilities as a constitutional body, a second phase of the project has been launched. This phase has reinforced further institutional capacity development, strengthening the NHRC's ability to monitor human rights treaties, develop human rights audit plans and monitor Government plans and policies from a human rights perspective.

IV. NATIONAL HUMAN RIGHTS INSTITUTIONS

It also ensures a human-rights based approach to development by mainstreaming human rights in the constitution, supporting legal reform and educating law enforcement actors about human rights and collaborating with civil society and human rights institutions, including the Women's Commission and the Dalit Commission, to protect and promote economic, social and cultural rights.

CHALLENGES

Political fragility has posed challenges to the realization of human rights in Nepal. Moreover, the lack of coordination and collaboration across the national human rights system has proved to be an obstacle in the implementation of the recommendations of the NHRC.

ADVICE TO OTHER UNDP COUNTRY OFFICES

The NHRI is part of a broad array of institutions that must forge a coherent approach to the challenge of improving respect for and protection of human rights. Therefore, apart from strengthening the NHRI, support should also be provided to other institutions across the national human rights system. For instance, the implementation of the NHRC recommendations, we should try to ensure that all national institutions are working coherently. Our human rights interventions should not only be broad in scope in order to deal with social, economic and cultural rights, but they should also focus on the human rights policy sector, such as human rights audits, human rights treaty monitoring and institutionalizing of the human rights-based approach to development.

Tek Tamata

*Programme Analyst,
Justice and Human Rights*

UNDP, Nepal

V. MILLENNIUM DEVELOPMENT GOALS

THE 2010 HIGH LEVEL PLENARY MEETING IN THE MILLENNIUM DEVELOPMENT GOALS 'MDG SUMMIT': A REFLECTION ON GOVERNANCE AND HUMAN RIGHTS

During the High-Level Plenary Meeting convened to review progress on the achievement of the Millennium Development Goals, 20–22 September 2010, nearly 140 Heads of State and representatives of Governments addressed the UN General Assembly, identifying gaps and committing to steps to reach the targets agreed to in 2000.

Most of the statements highlighted good and democratic governance as a way to ensure long-term development results. The reaffirmation of the vital importance of accountability, rule of law and human rights appeared to be a leitmotif throughout the Summit.

UNDP Administrator Helen Clark, in her capacity as Chair of the United Nations Development Group (UNDG), recalled that the lack of accountability, rule of law and realization of human rights constituted barriers to achieving the MDGs. Several Member States emphasized the need to respect human rights and the rule of law.

Several countries elaborated on effective measures taken at the national level to improve governance, rule of law and public finance management. Many statements addressed the issue of gender equality and women's empowerment, inviting the international community to think outside the box, promoting the presence of women in parliaments and a rights-based approach to maternal and reproductive health.

Present themes related also to State fragility. Delegates were reminded that no development could be achieved without security and no security could be guaranteed without development, concluding that fragile and post-conflict-affected States were furthest away from meeting the MDGs. The G7+ (a group of fragile and post-conflict states) advocated for a new paradigm with state building at the forefront of international engagement.

Finally, the MDG Summit provided an opportunity to officially launch a Global Strategy for Women's and Children's Health, developed under the auspices of the UN Secretary-General with support and facilitation by the Partnership for Maternal, Newborn and Child Health. Leaders from governments, international organizations, foundations, private sector and research organizations came together to recognize that

the health of women and children is a human rights issue that needs to be urgently addressed in order to make significant and sustained progress on all development goals.

The Outcome Document adopted by consensus by the General Assembly in conclusion of the Summit clearly reaffirmed the importance of freedom, peace and security, and respect for all human rights, including the right to development. The Outcome Document reflects the overall confidence of the 2010 MDGs Review Summit, namely, that the Millennium Development Goals can be achieved, including in the poorest countries, with renewed commitment, effective implementation and intensified collective action by all Member States and other relevant stakeholders at both the domestic and international levels, using national development strategies and appropriate policies and approaches that have proved to be effective, with strengthened institutions at all levels, increased mobilization of resources for development, increased effectiveness of development cooperation and an enhanced global partnership. The spirit of this conviction is reflected in the UNDP's Breakthrough Strategy, which builds on the knowledge gathered through related country MDG reporting. The Strategy focuses, amongst others, on accelerating existing MDG achievements by supporting scaled-up implementation of proven and innovative initiatives.

Another component of the Breakthrough Strategy is the MDG Acceleration Framework (MAF), which aims to identify bottlenecks and provide corresponding high-impact solutions for MDGs that are off track for the 2015 deadline. It works to help a country identify and implement a set of focused actions—an accelerated solution—that could transform the rate of progress on a hitherto slow-moving MDG to realistically reach its target by 2015. At present, the MAF is being rolled-out in 10 pilot countries. Belize, Colombia, Ghana, Jordan, Lao PDR, Papua New Guinea, Tajikistan, Tanzania, Togo and Uganda have created action plans to address each of the identified bottlenecks with corresponding solutions along with partners and costing estimates. Whilst the pilot action plans are being implemented, other countries have requested the application of the MAF. The MAF is compliant with the core governance and human rights principles as it refers to issues of accountability, participation and equality as well as availability, accessibility and quality of basic services. UNDP is also currently developing key strategies to sustain MDG achievement beyond 2015. Both efforts to accelerate and to sustain progress on the MDGs require UN system-wide collaboration. Taking into account the evidence

V. MILLENNIUM DEVELOPMENT GOALS

referred to here and produced by other actors as well as the call of the 2010 Outcome Document, UNDP considers it of paramount importance for the UN system as a whole to

increase its support to countries to focus on accountability, participation and equality as a critical means for the acceleration and sustainability of MDG progress.

GOVERNANCE AND HUMAN RIGHTS IMPLICATIONS FROM THE OUTCOME DOCUMENT

In the Outcome Document the Member States of the United Nations stated the following:

- We reaffirm that our common fundamental values, including freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility, are essential for achieving the Millennium Development Goals.
- We take note of the lessons learned and successful policies and approaches in the implementation and achievement of the Millennium Development Goals and recognize that with increased political commitment these could be replicated and scaled up for accelerating progress, including by:
 - » adopting forward-looking, macroeconomic policies that promote sustainable development and lead to sustained, inclusive and equitable economic growth;
 - » adopting policies and measures oriented towards benefiting the poor and addressing social and economic inequalities;
 - » supporting participatory, community-led strategies aligned with national development priorities and strategies;
 - » promoting universal access to public and social services and providing social protection floors;
 - » improving capacity to deliver quality services equitably;
 - » investing in basic services for health, education, water and sanitation;
 - » ensuring the full participation of all segments of society, including the poor and disadvantaged, in decision-making processes;
 - » respecting, promoting and protecting all human rights, including the right to development;
 - » increasing efforts to reduce inequality and eliminate social exclusion and discrimination;
 - » working towards transparent and accountable systems of governance at the national and international levels.
- We reaffirm that States should, in accordance with international law, take concerted, positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination and recognizing the value and diversity of their distinctive identities, cultures and social organization.



Together Achieving the
Millennium Development
Goals by **2015**

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VI. INTER-AGENCY ENGAGEMENT

INTERVIEW WITH KYUNG-WHA KANG, DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

On 30 November 2009, the United Nations Development Group (UNDG) established a senior-level mechanism dedicated to supporting the mainstreaming of human rights in UN operational activities for development. The UNDG Human Rights Mainstreaming Mechanism (UNDG-HRM) follows the earlier success of the 'Action 2' Global Programme (2004–2009), an interagency initiative that supported more than 60 UN country teams in building human rights capacity to support Member States. We asked the UNDG-HRM Chair, Kyung-wha Kang, the Deputy High Commissioner for Human Rights, about challenges and opportunities for placing human rights at the centre of our development work.

OHCHR plays a central role in the UNDG-HRM. What can we learn from Action 2 and what should be our focus for the coming years?

Following the Secretary-General's Policy Committee decision on human rights and development to further strengthen interagency collaboration and support on human rights mainstreaming, OHCHR proposed this mechanism, consulted extensively with partners from the UNDG and secured their endorsement. We chair the mechanism and have a co-chair among the participating agencies, which rotates on a yearly basis, and we are glad that UNDP is the co-chair for the first year.

Action 2 was catalytic we believe. It was able to do good things on the ground. And it has also created a lot of expectations, and we see that there is a need for a more coordinated and coherent support to the Resident Coordinators and UNCTs in mainstreaming human rights in development activities and thus the creation of the HRM. There are many good practices and lessons coming out of Action 2 that we can build upon more systematically through the HRM, one of them is the usefulness of the deployment of the human rights advisers to support the RCs and UNCTs in integrating human rights principles and standards into their operational activities.

Do you see the Human Rights Mainstreaming Mechanism playing a transformative role for the UN?

It is a very grand way of putting it, but I really do think so. Coherence is integral to UN relevance and effectiveness on the ground. By having this mechanism at the global policy level under the UNDG, where all agencies can discuss the opportunities and challenges that human rights bring into their development work, we can better support colleagues

who are facing real challenges on the ground. Not only does it bring human rights closer to development activities, but also it serves to strengthen the coherence of our development work on the ground by firmly anchoring them on the UN's normative values and standards.

The financial crisis, food scarcity and climate change are only a few of the factors that triggered changes affecting the world population in the recent years and consequently have had an impact on human rights. How do you see the challenges for human rights in this context?

All of these global crises—climate change, financial and economic crises, huge humanitarian disasters such as we have seen in Haiti—have human consequences that should also be discussed in human rights terms. This is the whole idea behind a human rights-based approach in responding to these global challenges. What is a little of an uphill struggle is, when the international community is faced with these huge global challenges, we tend to look at them in macro terms. People just become numbers and average statistics. I think that the value of human rights work is to bring our focus to the level of the people, of the individual human being caught in these crises and what that means for the enjoyment of his or her rights and the maintenance of their dignity as a human being. That is the challenge for us all in the UN system. When these crises happen, the most vulnerable segments of society see their level of vulnerability amplified. So one of the key areas to first focus on is to look at the vulnerable and find out how much more their level of vulnerability has increased and then to really focus on their capacity to claim their rights, so that further gaps are not created between those who have the means and those who don't have the means to deal with crises. Unless you take into account the human rights consideration to these responses—whether it is development, whether it is humanitarian relief, reconstruction—it is not going to be sustainable or equitable.

At the same time, there have been many developments in human rights; the Human Rights Council and its Universal Periodic Review (UPR) mechanism are just some of them. How do you assess our strengths within this process and where should our focus be for the next cycle? What lessons have we learnt?

The Human Rights Council is an all-year-round de facto standing body. Beyond its formal meeting period, it constantly meets in informal working groups so it comes up to 40–45 weeks of meeting time. The real plus has been the Council's Universal Periodic Review Mechanism, under which *all* member States of the UN come before the Council

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in a four-year cycle to have their human rights track record reviewed. So far 127 States have been reviewed. And, by the end of 2011, all countries will have been reviewed, and the participation rate so far is 100 percent. Not one single country has decided not to show up for the review. So they take it very seriously. And what comes out of the review is a set of recommendations. The reviewed country can decide for itself what recommendations it commits to implement and what recommendations, for one reason or the other, not to accept. These recommendations can be transformed into a programme of action for UN entities on the ground in support of national efforts and ownership, to enhance our human rights promotion and protection work. So it is a mechanism that ties the human rights machinery in Geneva very well with what the UN does on the ground in the country under review, both in terms of supporting countries to prepare for the review and to implement its outcomes. Now, of course it has a great deal of promise, but the real judgment on the usefulness of the UPR will be once we start the second cycle; once Member States come back to the council to say “we took these recommendations and we did this during the past four years.” Of course we hope member states will be able to come back with lots to report on what they did as a result of the UPR. But we will only know once the second cycle of the UPR starts in 2012.

Do you think we can strengthen the way we cooperate with States as UN Agencies?

Absolutely. In the UPR process, a lot of work takes place prior to the review. The UPR is not carried out in a vacuum. The review is based upon three documents, one from the government itself and two documents that we, as the Office of the High Commissioner, put together—the input from the NGOs and the compilation of the input from UN partners on the ground. The awareness of the UN Country Teams on the UPR is also growing. When I was in Turin for the UNDP Community of Practice meeting last October, I was very encouraged by many questions and interest from UNDP colleagues concerning the UPR: how can we become a part of it and how can we participate? UN colleagues on the ground

can certainly give us a lot of information about the challenges as well as progress made by countries that are going into the review. And then after the review, you will have a set of recommendations including those the government endorsed and committed themselves to implement. Some 80 percent of those recommendations are relevant to the UN’s development work and many UN entities on the ground are already working with the governments in different sectors, which can support the implementation of UPR recommendations through their programs and activities.

So the recommendations are the entry points for collaboration.

Yes, absolutely.

Do you have any final message for the readers of the News Brief?

Well, we are very much grateful to UNDP for its commitment to human rights and supporting our interagency efforts. I am called “the Chair” and Geraldine the “Vice-Chair,” but she is very much a co-chair in the process. Together we want to do as much as we can throughout the first year. Among all the partners in the UNDG, UNDP plays a very important role, and I wish to thank the Administrator for her strong support in this process.



Ms. Kyung-wha Kang,
the Deputy High Commissioner for Human Rights

VII. COUNTRY IN FOCUS: TIMOR-LESTE



Inclusive economic growth in Timor Leste

A small half-island nation located in Southeast Asia with a population of approximately 1.1 million, Timor-Leste is a Least Developing Country with about half of its population living below the poverty line of \$0.88 per person per day.

As a young and resource-rich country (the country's Petroleum Fund is currently US\$ 5 billion) with a poor population, Timor-Leste also faces several critical challenges. None of them are unsolvable, but all must be addressed soon, such as: urban-rural and regional imbalances; shortage of skilled human resources; fragile institutions; and a post-conflict mentality that cannot be ignored when a nation has experienced generations of conflict and endured the severity of losses.

UNDP began its involvement in Timor-Leste in December 1999, working initially with the United Nations Transitional Administration in East Timor (UNTAET) in the areas of rehabilitation and reconstruction. With independence in 2002 came a gradual move in programming focus beyond the necessities of post-conflict recovery, and towards a sustainable development strategy. UNDP responded to the humanitarian emergency in the wake of the 2006 crisis, ultimately creating a Crisis Prevention and Recovery portfolio with a focus on strengthening post-crisis governance and restoring the foundations upon which development can be built.

UNDP works very closely with the UN Integrated Mission in Timor-Leste (UNMIT) to strengthen the judicial sector, as well as in providing electoral support, promoting the reintegration of Internally Displaced Persons (IDPs) and implementing a Security Council-mandated Security Sector Review.

UNDP's current Country Programme 2009–2013 is contextualized against a shift in the nation's priorities towards long-term development and the capacity development that is required to promote it. The country programme emphasizes development and governance as the principal means through which to achieve lasting peace, stability and security in the country. The largest pillar of the programme focuses on strengthening the institutions of democratic governance by developing judicial, electoral, parliamentary, ministerial and policy-making capacity.

Martins Hildebrants

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VII. COUNTRY IN FOCUS: TIMOR-LESTE

UNDP ENGAGEMENT WITH COMMUNITY RADIO STATIONS TO RAISE HUMAN RIGHTS AWARENESS AND CONTRIBUTE TO PEACEFUL COEXISTENCE

Widespread public awareness of basic human rights and legal literacy are critical elements in establishing peaceful coexistence on the premise of the rule of law.

In Timor-Leste, Community Radio Stations are the most powerful media tools in the formulation, design and dissemination of information. However, the limited access to information on human rights is exacerbated by the often-generic nature of messages that are not adapted to local conditions making it difficult for people to incorporate and relate human rights to their development circumstances.

Strongly believing that effective protection of human rights depends on an informed public and that violations of rights are often a result of a lack of knowledge, UNDP Timor-Leste has developed a comprehensive training manual to guide trainers when engaging a human rights dialogue with community radio stakeholders. The manual provides trainers with a methodology to strengthen the legal skills of radio stakeholders. Moreover it provides community radio stations with a tool for the production of rights-based sustainable programmes. The training manual is also expected to be used by the Ministry of Justice in the implementation of its national human rights outreach campaign.

THE JUSTICE SYSTEM PROGRAMME SUPPORT TO DECENTRALIZE LEGAL AID SERVICES AND GUARANTEE ACCESS TO JUSTICE FOR ALL

In the past eight years, significant achievements have occurred in the Timor-Leste justice sector. However, accessing the formal justice system still remains a challenge. The formal justice sector is currently too small to service all of the population and to fulfill its constitutional role in applying the law and ensuring the executive adheres to the rule of law. Economic, geographic, educational and linguistic barriers still hamper citizens' capacity to claim their rights. As a result, the majority of the population is deprived of an effective and accessible administration of justice.

Attempts to overcome these shortcomings through recourse to the provision of free legal aid and assistance have proven to be insufficient, as most of the justice services remain centralized in the capital, Dili. Thus, in the quest for the enforcement of basic human rights through increased access to justice, the UNDP Justice System Programme has partnered with Australia Aid to develop creative alternative strategies supporting the decentralization of justice services. A project proposal aiming to support the Judiciary in the institutionalization of 'mobile legal justice' has thus been developed to scale up the access to the formal justice system and tackle its barriers.

In a geographically difficult post-conflict country such as Timor-Leste, it is expected that mobile legal justice will also improve the universality and uniformity of justice around the country.

Luca Bruccheri

Programme Officer for Justice and Human Rights

UNDP Timor-Leste

VIII. PRACTITIONER'S PERSPECTIVE ON HUMAN RIGHTS WORK

Following the recent devastation of Haiti after the 12 January 2010 earthquake, UNDP mobilized sectoral experts through the BCPR SURGE programme to support the UNDP Country Office in the aftermath of the disaster. Annie Demirjan, the current Democratic Governance practice leader in the UNDP Regional Centre Bratislava, spent four months in Port-au-Prince supporting UNDP. Annie shared her reflections on the SURGE assignment.

One of the eight Post Disaster Needs Assessment (PDNA) areas of intervention is governance. What has been UNDP's involvement in this area? Has it been operationalized yet?

The ongoing UNDP Governance Programme overlaps almost completely with the governance elements reflected in the PDNA. It is divided into four priorities:

- institutional development and public administration reform;
- anti-corruption and public accountability;
- decentralization and local governance, which in Haiti is called territorial development;
- democratic process, which includes the following elements: elections, parliamentary reform, political participation, political party reform, public outreach, rule of law and support to civil society.

Human rights are cutting across these areas, especially in the form of programming for livelihoods, right to food, right to shelter, right to clean water and other interventions. All of these issues are priorities for Haitians in this specific context.

The post-quake setting is very particular, with 1.3 million Haitians still living in tents and temporary shelters. What are their living conditions like?

Our colleagues from UNCHR, OHCHR and IOM, who are closely working within the tent cities, tell me the living conditions are very dire. Now it is the hurricane and hot season, in the tents at times it could get up to 40–45 degrees. Lack of access to clean drinking water, minimal sanitation, and the tents are breeding grounds for disease. Malaria is on the rise. The international community is providing basic health services. The UNDP cash for work programme supports the early recovery efforts, by providing short-term employment opportunities so that Haitians can provide for the basic needs of their families. Working with local NGOs, these jobs include rehabilitation of health clinics, road repairs, etc., but much more needs to be done.

It is also the rainy season, so at night some of these tents collapse, leaving families exposed. It's a very worrisome period

for the international community, in that after six months into the earthquake we haven't been able to provide better living space.

Are there any plans regarding the provision of a more adequate shelter?

After the earthquake, assessments have been conducted in Port-au-Prince. Buildings have been marked as green, yellow and red meaning houses safe for habitation, those in need of repair and those assigned for demolition, respectively. The negotiations with the Haitian Government on moving of the tent city to higher land levels that are not so affected by rain are ongoing. Work on more stable accommodation is yet to start. There are still a lot of unknowns regarding building of permanent and semi-permanent housing. I'm afraid it is fair to say, that most of the tent cities will be there a year from now. UN/UNDP continues to work with the Government to find a long-term solution concerning the move to more permanent dwellings.

So what are the priorities?

I am keen to say, that we prioritize the immediate human needs. Remember, that the donor community is also coming out of a financial crisis. So we are urged to attend to the very immediate needs of the people, which will make a difference on a span of days and weeks in the lives of the Haitians. It is also very encouraging to see how Haitians support each other within their communities. They have little capacity to support each other in the daily existence, in a society where 60 percent of people make less than \$1 a day and another 25 percent make less than \$5 a day. You are looking at mind-numbing poverty. The illiteracy rate is 60–70 percent. More than 50 percent of the population is less than 18 years old, which means that teen pregnancy is very rapid. Before the earthquake and after, something like one in two children was born to a teenager. You can imagine the number of not registered children. It is very serious. We really do what we can. Everyday you ask yourself a question: how hard and how quickly can I work to make a difference in the lives of these Haitians? You constantly ask yourself what can I do to make a difference? Should I seek a new approach? Can we do it differently as UNDP? Are we well set up to address the early recovery and long-term

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development needs? When you are on the ground you ask yourself the existential questions. If it is possible to be objective, I think under the circumstances, UNDP and the UN family (led by MINUSTAH) did its best to immediately gather its resources and lead the reconstruction efforts.

So it was more than just an assignment?

It was a life-changing mission. Nothing in my life I had done before—in Iraq, Somalia, Abkhazia, had prepared me for the job. I think the enormity of the challenge and the mind-numbing poverty in Haiti, to live and experience day-in and day-out, it was difficult to bear. It is not something I became immune to. No. Even until the last day, as I am driving down the street looking at sandwiched, collapsed buildings and knowing well that there are still people underneath them was very difficult to bear. Often sitting in the car driving, I sometimes felt embarrassed that I couldn't do more. I left Haiti heavy hearted; some of the images will never leave me. But this will also give me the drive to galvanize support in my community to make sure new energy and talents go into Haiti for a longer stay and drive the rebuilding efforts. I'm glad I did it. I will be sharing the experience.



Annie Demirjan

Annie Demirjan

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IX. HUMAN RIGHTS AND ME

CECILE MOLINIER, UNDP GENEVA OFFICE DIRECTOR, DISCUSSES THE PROGRESS BEING MADE ON HUMAN RIGHTS



Cécile Molinier

I am not a human rights specialist, nor a lawyer, but as a development practitioner I have been convinced for a long time that human rights provide UNDP with a distinctive entry point in our operational work at the country level. Not in the normative sense, of course, but closely linked to our poverty and MDG work. Our crosscutting mandate allows us to bring human rights, the third pillar of the UN as Kofi Annan so rightly said, into our development work.

That became apparent to me when I served as Resident Coordinator, which I was privileged to do in three countries in Africa. In very different circumstances, in the last two cases, I was confronted with the assertion that I should mind my own business and keep to “UNDP’s development work”, as opposed to “meddling in political issues.”

While painfully aware, since my first assignment as RR/RC, that the UNDP Resident Representative is a convenient fuse in situations of tension between a government and its development partners, I was not about to give up on my conviction that it is precisely in those situations that UNDP can make a difference. While avoiding confrontation, which UNDP should not seek nor is equipped to deal with, given its role as a trusted strategic adviser as opposed to a donor, I sought a way to build on global frameworks and obligations to which countries have adhered, and the Millennium Declaration and Development Goals, which must be taken as a package, provide just that framework.

With the help of a few national allies—people of conscience and integrity, respected internationally if not recognized nationally for what they were, i.e., human rights activists—I shaped our intervention around the MDGs and their underpinnings stated in the Millennium Declaration. I started with an innocuous workshop on health, water and sanitation, held far enough from the capital city, and moved to another one, slightly less innocuous and also geographically remote from the center, on education, culture and citizenship (the latter not being included in the MDGs, but resonating clearly with people from a country strongly divided along ethnic lines). Those two workshops, which brought together representatives of civil society in the broadest sense of the term, including political parties, were followed discreetly by representatives of the party in power present in their personal capacity, who wanted to make sure that things were not getting out of control.

The third workshop, on justice and human rights, was particularly moving, since it brought together masters and former slaves from the same tribe, who found common ground in their national pride and their aspirations for a better future for their country.

Building on that common ground, it was time to bring to the capital city the conclusions of the three workshops, linking together through the testimonies of the participants the aspiration for national unity and the urgency to address the blatant gaps in the realization of economic, social, cultural, civil and political rights. Beyond the formal statements in plenary, the working sessions gave an opportunity to vent a number of strong political grievances and initiate a genuine political dialogue among the different parties, which had not happened for a number of years. The ice was broken, and a few months later the political parties themselves initiated a national reflection forum.

The two co-chairs of the dialogue—my national “ally” and I—brought the results of the workshops to the personal attention of the President, who of course had been following the whole process closely through his informants. Since the dialogue had been successful, the Government was more than happy to claim credit for its success, which we were more than happy to give them credit for, and soon after, several human rights associations, whose leaders had taken an active part in the dialogue, were officially recognized, and consequently invited to discuss human rights issues directly with the authorities, rather than indirectly in the sessions of the then Human Rights Commission in Geneva.

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Another breakthrough happened soon afterwards, when the International Labour Organization (ILO) was formally invited to visit the country on a mission of verification of compliance with ILO norms on forced labour. Our close interaction with ILO brought out the linkage between forced labour and the sequels of slavery and facilitated the initiation of a political process to address an issue that had been weighing heavily on the national consciousness and had severely affected the international perception of the country for a number of years.

What happened in that country may not be easily replicable in others, but the lesson I have learned is that promoting the realization of human rights in their entirety is intrinsic to UNDP's mission. The prevailing tendency in international fora to separate civil and political rights, on the one hand, and

economic, social and cultural rights, on the other, linking the first to specific UN organizations and the second to others, is fundamentally flawed and leads to the current counterproductive politicization of the international debate. There is a lot we can do, as UNDP, to overcome that divide, if we seek our inspiration in the founding texts of the UN—the Charter and the Universal Declaration of Human Rights—and in the Millennium Declaration and Development Goals.

Cécile Molinier

Director

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