

**EIGHT CASE STUDIES
ON INTEGRATING
THE UNITED NATIONS' NORMATIVE
AND OPERATIONAL WORK**

A study commissioned by the United Nations Development Group

September 2015

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Acronyms and abbreviations

CD	Capacity development
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CS	Civil society
DaO	Delivering as One
DOCO	Development Operations Coordination Office
DPO	Disabled people's organization
DV	Domestic violence
ECOSOC	Economic and Social Council
ES	Environmental sustainability
EU	European Union
FGM	Female genital mutilation
GBV	Gender-based violence
GE	Gender equality
HIV	Human immunodeficiency virus
ILO	International Labour Organization
IOM	International Organization for Migration
IPO	Indigenous peoples' organizations
LDC	Least developed country
LIC	Lower-income country
MIC	Middle-income country
MP	Member of parliament

NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
PLHIV	People living with HIV
QCPR	Quadrennial comprehensive policy review of operational activities for development of the United Nations System
RC	Resident Coordinator
RBM	Results-based management
SC	Steering committee
SMART	Specific, Measurable, Achievable, Relevant, Time-bound
TJ	Transitional justice
TOC	Theory of change
UN Women	United Nations Entity for Gender Equality and Empowerment of Women
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNEG	United Nations Evaluation Group
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIPP	United Nations Indigenous People's Partnership
UNODC	United Nations Office on Drugs and Crime
UNPRPD	United Nations Partnership to Promote the Rights of Persons with Disabilities
WHO	World Health Organization

Executive Summary

The United Nations System has shown the importance and use of international norms and standards for the UN Country Teams (UNCTs) in identifying and designing intervention strategies in various contexts. While the particular instruments and mechanisms vary from country to country, the common thread is the use of the human rights-based approach (HRBA) in every case study. This report shows how different UN agencies, in widely different situations, have developed and carried out joint programming for the implementation of United Nations norms and standards. Tangible results also arose from the commitment of Member States to review and reform their national legislation, norms and practices and align these with **international norms and standards**. As a keeper of international norms and a mentor for good practices, UN Country Teams have developed various interventions that are based on the UN's international norms and standards, but that are operationalized and tailored to the specific needs of each country. A few examples of how UNCTs have used UN normative instruments to support national priorities are the implementation of CEDAW recommendations in Albania and Zambia, of Convention on the Rights of Persons with Disabilities (CRPD) articles in Moldova, of ILO Conventions in Bolivia and of the Convention on the Rights of the Child (CRC) in Yemen.

The case studies demonstrate the importance of long-term commitment and support in complex contexts where the national legislation and practice may not be fully aligned with international standards (e.g., Nepal and Yemen). In these cases, the role of the UN has been critical in developing the capacity of civil society to claim and defend basic rights. Of particular importance is the participatory approach that requires vigorous engagement, from the start, of representative members and organizations of civil society in this process of national empowerment and capacity development. Thus, the case studies identify important findings, common approaches and lessons for the United Nations to continue to work collectively and coherently by targeting five different levels:

1. Targeted advocacy, including through awareness-raising and identification of champions within national constituencies, to promote UN universal values
2. Legislative change to ensure that national legislation is in line with international norms and commitments

3. Capacity development to ensure that governments and civil society can implement the international norms to which a given country has subscribed
4. Leveraging the work of relevant UN mechanisms – such as recommendations made by universal periodic review, committees on the application of standards, treaty bodies, special procedures and supervisory bodies of other UN conventions – as entry points for UN interventions in support of national efforts
5. Promotion of wider stakeholder participation in development processes by using the convening power of the UN as an impartial partner

The case studies present the following overall **findings**:

1. International norms and standards are the bedrock of the UN's work at country level. They represent the UNCT's commitment and driving force for an integrated, people-centred approach to 'leave no one behind'. Human rights and gender equality are at the heart of all of the case studies presented, regardless of the target group concerned. Whether it is the rights of women (Zambia, Albania), of indigenous people (Bolivia), of persons with disabilities (Moldova), of PLHIV (China/Fiji/Guatemala), of children (Yemen) or of all human beings regardless of gender, sex or age (Mozambique and Nepal), the commitment to and concern for the defence of human rights are the foundation and cornerstone of the UN's efforts.
2. Member States widely recognize the UN as an impartial, trusted and consequently preferred development partner. This strong comparative advantage of the UN System is sometimes insufficiently exploited in certain countries. The adoption of international standards is an aspiration for all member countries, yet it is sometimes difficult for them to accomplish alone. Nevertheless, the UNCTs need to continue to be vocal and to advocate for these standards and values, as called for in the new undg guidance for RC on human rights.
3. The UN's international norms and standards are relevant and applicable in every country context, whether in development or post-conflict and transition. By integrating international normative standards into common programming, the UN System can effectively support Member States in addressing the development needs of the poorest and most vulnerable segments of society, regardless of the country context, level of human development and geographical and cultural specificities.

The case studies identify the following **lessons** that can further success:

1. Leadership in the UN System is crucial. Having an RC with the strategic vision, commitment and leadership contributes immensely to the success of the strategy (as in Albania, Moldova and Nepal). In addition to the strong leadership role of the RC, a strong and committed UNCT – including the leadership of relevant normative agencies – is equally critical. As normative support of the UNCT increases, it becomes more important than ever for the RC and UNCT to act as One Leader.
2. Delivering together is key to relevance and results. The UN's international norms and standards helped to forge a common goal and vision so that every agency could contribute its best on the basis of its comparative advantage and area of competency. Joint programmes with a division of labour that recognized the know-how and technical capacity of the agencies enabled a more holistic and effective programming strategy. Other programmes adopted less formal mechanisms for joint actions. Either way, having a common framework and a clear structure enhanced implementation and facilitated results.
3. Not all success drivers are technical or programmatic. While difficult to show and with little quantitative evidence in this report to support this claim, communication, social skills and sustained commitment – in other words, the human factor – are key elements of success that must be recognized and incorporated into the planning of strategic interventions. This also requires a good capacity for networking with national partners (and donors where possible) and a degree of persuasion to show that changes will produce a 'win-win' situation for all stakeholders.
4. Societal changes take time; no one should expect a 'Cinderella effect' from UN interventions (i.e., Member State turning into an international standard champion on the flip of the UN wand). In Albania, for instance, CEDAW was ratified in 1993, but the country still needs assistance in implementing the recommendations. The efforts regarding social protection in Mozambique started 10 years ago. The work on transitional justice in Nepal started after the signing of the CPA in 2006 and, at the time of the case study submission, the two transitional justice commissions were still not functional. A sustained commitment from the UN is required and the process should not be abandoned once the project's or programme's *pro forma* objectives have been completed.
5. Success in applying international norms and standards is not always entirely contingent on grand funding, especially if the entry points are strategic. This fact clearly makes UN support efficient in terms of value-for-money. Of course, sufficient, predictable and sustained funding will always remain indispensable for such work.

6. As the UN moves away from service delivery and towards policy and normative support, the UN must better communicate results in these areas. This requires ‘telling the story’ of what has been achieved and how.

Many countries aspire to live up to their commitments to international standards, but do not always have the necessary capacity or know-how to implement them. The UN, through the country teams, has accumulated experience in supporting national efforts and promoting wider and more inclusive processes. The report thus makes the following **recommendations** to help countries achieve this, particularly with respect to the Agenda 2030:

1. Ensure that UNCTs fully embrace human rights-based approaches to programming as the core of their work and use the UN Charter and the unique mandate of the UN regarding human rights as a source of comparative advantage.
2. Ensure common understanding, language and advocacy regarding international norms and standards. Not all agencies are equally focused on international norms and standards, and their understanding of the relevance of these norms and standards to their work may vary. Common messages from the principal actors regarding the operationalization of international norms and standards would help to forge a common vision and commitment across UN agencies.
3. Develop strong leaders and staff – including national staff – across the UN System who can be agents for change and inspire governments and citizens to uphold the UN values; rally the UN System to support them.
4. Use the UN’s international norms and standards to break down sectoral and organizational silos to achieve inter-agency integration.
5. Ensure long-term commitment and support to the core UN values beyond the period of a specific programme or the term of an individual RC or UNDAF programming framework. In order to ensure continuity, investment in capacity development of UN national staff and government and other national stakeholders with respect to the core values of the UN is critical.
6. Develop staff capacity and skills to advocate the fundamental values of the UN’s international norms and standards. Strengthen system-wide knowledge management and sharing of thematic- and country-specific expertise, tools, experience and knowledge.
7. Build the evidence base for development frameworks based on the application of normative principles. Academic institutions and NGOs can have a valuable role in developing national capacities. Led by national demand and in coordination with

governments, the UN development system should explore opportunities to connect academic institutions and NGOs, as such connections would improve the links between research, practical learning and innovation.

8. Ensure that UNDAF Results Groups and other relevant coordination mechanisms within UNCTs have normative and operational focus, capacity and policy support.
9. Strengthen regional UNDG teams' role in quality assurance, including with respect to the application of normative principles in development frameworks.

In adopting the 2030 Sustainable Development Agenda, Member States stressed the important role and comparative advantage of the UN System in supporting the achievement of the Sustainable Development Goals (SDGs) and sustainable development. Within the Economic and Social Council (ECOSOC) dialogue for the longer-term positioning of the UN development system, Member States also broadly agreed that key comparative advantages of the UN System, such as its normative role, universal legitimacy, neutrality, global reach and convening power, should guide UN functions in the post-2015 environment.

The General Assembly, through the quadrennial comprehensive policy review of operational activities for development of the United Nations system QCPR, “encourages the United Nations System to promote sustainable development outcomes through strengthening normative and operational linkages within the United Nations system and, in this regard, to direct particular efforts to supporting programme countries, at their request, in building national capacity for inclusive, equitable, participatory, transparent and accountable national development processes, in order to target and empower the poor and people in vulnerable situations.” The United Nations Development Group (UNDG) has therefore defined within its strategic priorities for 2013-2016 a series of targets that include “sharing of good practices and lessons learned, and strengthening the normative approach and operational linkages, including human rights and gender equality.”¹

The new development agenda is “grounded in the UN Charter, the Universal Declaration of Human Rights, international human rights treaties” and other instruments, including the Declaration on the Right to Development and its core aim to “realize the human rights of all” (Preamble). To be ‘fit for purpose’, the UN System requires an understanding of inequality and of the implications of reducing inequality and discrimination in accordance with the UN’s human rights-based approach to sustainable development.

Based on previous reviews and analysis conducted under the UNDG, notably the 2011 CBI study “UNCTs engaging in national policy dialogue: Lessons from the field”, the primary difficulty in ensuring successful linkages has been the lack of *practical* recommendations for the integration of international norms and standards into the everyday work of the UNCTs. The primary objective of the current report is therefore to identify, at the country level, those

¹ UNDG Strategic Priorities 2013-2016, p. 7

cases where international norms and standards have been successfully applied to UN programming.

The UN's normative work is defined by the UN Evaluation Group (UNEG) as "the support to the development of norms and standards in conventions, declarations, regulatory frameworks, agreements, guidelines, codes of practice and other standard setting instruments at global regional and national level. Normative work also includes the support to the implementation of these instruments at the policy level, i.e., their integration into legislation, policies and development plans, and to their implementation at the programme level." ² This definition specifies three categories of normative work: "a) the development of norms and standards, b) the support to governments and others to integrate the norms and standards into legislation, policies and development plans; and c) the support to governments and others to implement legislation, policies and development plans based on the international norms, standards and conventions."³

The **credibility and value-added of the United Nations** are based on its **recognized impartiality and political neutrality, on its technical capacity to help countries apply international standards and norms and on its ability to ensure that international good practices are followed**. In carrying out the post-2015 agenda and meeting the challenges of reaching the SDGs by 2030, these will be essential, as international norms and standards must be the cornerstone of all UN intervention strategies through the sharing of a common vision and framework.

² UNEG Handbook for Conducting Evaluations of Normative Work in the UN System, http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=1484, 4 February 2014, p. 5

³ Ibid., p. 5

The United Nations is the custodian of international norms and standards. These include UN declarations, conventions, conferences and covenants and other mechanisms that assist countries implement international norms and standards, all of which share **core universal values**. These instruments allow countries to align their national legislations and practices to international standards, most often with the active support of the United Nations. The cornerstone of the UN values is the fundamental respect and commitment to the defence of human rights, as embodied in the **Universal Declaration of Human Rights** adopted by the General Assembly in 1948. Other international agreements and instruments have since reflected other aspects of the Member States' commitment to universal values, elaborating specific rights or categories of rights as well as the rights of specific groups.

Also a part of UN human rights standard-setting, the **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW) was adopted by the General Assembly in 1979, showing the universal commitment towards **gender equality and the empowerment of women**. In 1995, the Fourth World Conference on Women adopted the Beijing Declaration and Platform of Action, recalling that a “transformed partnership based on equality between women and men is a condition for people-centred sustainable development.”⁴ On 9 March 2015, the Commission on the Status of Women adopted a political declaration on the occasion of the 20th anniversary of the Beijing Conference, calling on the UN System to continue to support the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action.

In 1992 in Rio, the **UN Conference on Environment and Development** marked the international community's commitment to sustainable development, adopting ground-breaking instruments regarding climate change, desertification and biological diversity, which transformed international environmental law. Two decades later, the Rio+20 Conference led Member States to **develop the Sustainable Development Goals (SDGs) and the 2030 Agenda for Sustainable Development**, building upon the achievements and lessons from the Millennium Development Goals.

⁴ Beijing Platform of Action, RES/A/CONF.177/20 (1995), Annex II, § 1

The UN has a broad range of instruments (see Annex 1) to help Member States to meet their international commitments. In this, UN international norms and standards are a driver of global transformation.

Integrating the normative and operational work of the UN could build on three main ideas: 1) localizing the implementation of international norms and standards; 2) ensuring UN programming that is norm based and; 3) feeding back operational experience into international normative standard setting.

The 2030 Agenda for Sustainable Development and the changing policy environment

The emphasis on the normative and operational linkage takes place in a rapidly changing UN development system. Adopted in September 2015, the 2030 Agenda for Sustainable Development marks a fundamental paradigm shift in the dominant model of development, with a much broader – and more normative – approach than the MDGs. Its 17 Sustainable Development Goals (SDGs) and related 169 targets mirror the international human rights framework encompassing all civil, political, economic, social and cultural rights, including the right to development. It includes dedicated goals on fighting inequalities and promoting “more peaceful, just and inclusive societies as well as an enabling international environment”.

The Agenda is explicitly “grounded in the UN Charter, the Universal Declaration of Human Rights, international human rights treaties” and other instruments, including the Declaration on the Right to Development (§ 10). References to human rights permeate the whole Outcome Document, establishing that the core aim of the SDGs to “realize the human rights of all” (Preamble) and emphasizing “the responsibilities of all States [...] to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind” (§ 19). There are also a reaffirmation of some specific human rights, including those to water and sanitation, labour rights, development and self-determination. The Agenda is truly transformative commitment in that it is “to be implemented in a manner that is consistent with the [...] obligations of states under international law” (§ 18). Like the human rights agenda, the Agenda is also universal, applicable to all Member States (§ 5).

The radical transformation brought about by the 2030 Agenda clearly puts the core of the UN’s values and norms at the centre of the UN’s development intervention and calls upon the UN System to become “fit for purpose”. This will entail a more systematic integration of UN normative frameworks in relation to human rights (including fundamental rights and

principles at work), gender equality and the environment into UN operational activities; it will also entail enhanced capacity of UN country presences to provide support on human rights and the rule of law.

Enlisting UN joint programming/operations to support the implementation of international norms and standards

The UN System has a common mandate to promote respect for international norms and standards, including the principles of equality and non-discrimination, through the 1945 UN Charter. Member States agreed in Article 1 of the UN Charter that a core purpose of the UN is “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

The UN development system uses the United Nations Development Assistance Framework (UNDAF) as the overall strategic planning document for implementing country level operations. It brings together the UNCT and is regularly adjusted through mid-term and final evaluations and reviews. The UNDAF preparation process has benefited from specific guidelines that allow UNCTs to incorporate the UN values and principles into the country strategy and programming. The UNDAF has played a key role strengthening normative and operational linkages by UNCTs. According to the 2014 undg results report for example, 59 per cent of UNCTs engaged with the Universal Periodic Review (UPR) process, while 82 per cent supported governments in mainstreaming human rights in national development policies and programs. Moreover, 61 per cent of UNDAFs feature specific gender results at the outcome level.

Within the UN reform process, one such example was the launch in 2007 of the Secretary-General’s Delivering as One (DaO) initiative. Based on the report of the Secretary-General’s High-Level Panel on System-Wide Coherence in 2006 and the support of the General Assembly to further strengthen coordination and management of United Nations operational activities, Albania, Cape Verde, Mozambique, Pakistan, Rwanda, Tanzania, Uruguay and Viet Nam piloted an integrated approach of the UN System based on the ‘one leader, one budget, one programme, one office’ principle. Four of the submissions and two of the selected case studies in this report are from these DaO countries (Uruguay, Tanzania, Albania and Mozambique). The United Nations has also been increasingly working with joint programme models in which various agencies collaborate in a common programme and bring their specific expertise within a holistic approach, shared vision and common goals.

The application of UN programming principles

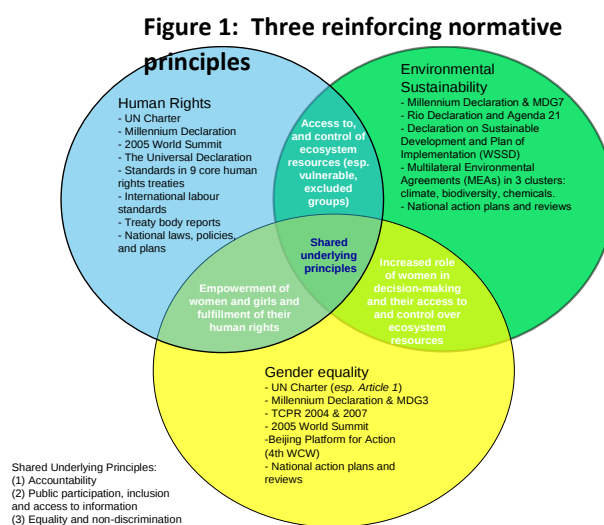
All UN agencies have a common responsibility to promote the norms, standards and principles of the UN System, particularly when framing UN country programming.

Intergovernmental negotiations for the adoption of the 2030 Agenda recognized human rights, equality and sustainability as three fundamental principles. The 2010 UNDG guidance on the application of the five programming principles to the UNDAF has helped UNCTs better understand how to reflect international norms and standards into their common programming work. The five programming principles used universally by UNCTs are:⁵

- **Human Rights-Based Approach (HRBA)**
- **Gender equality (GE)**
- **Environmental sustainability (ES)**
- **Capacity development (CD)**
- **Results-based management (RBM)**

The first three principles are normative, while the last two are enabling.⁶ All have defined the UN's support to programming countries for the achievement of the MDGs and remain increasingly relevant for the implementation of the post-2015 Sustainable Development Agenda, particularly as greater focus is being placed on accountability and on communicating results.

The **three normative principles** connect international norms, standards and goals to the development process and are mutually reinforcing (see Figure 1). Where they intersect, they spotlight:



- **Access** to quality goods and services, and control of resources, particularly for vulnerable and excluded groups, including women and girls

- Increased environmental and human rights **protection**, including the protection of women's human rights

⁵ UNDG, The Impact of UN Coordination: Stories from the Field, Synthesis of 2011/2012 Resident Coordinator Annual Reports, p. 20

⁶ Taken from the UNDAF guidelines 2010

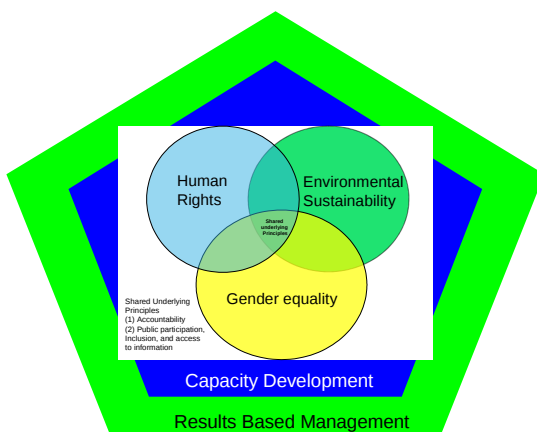
- The **empowerment** of women, girls and marginalized and excluded groups in decision-making processes affecting their lives

The **two enabling principles** make the normative principles operational in the UNDAF. They help to demonstrate effectiveness and accountability for the use of resources.

Capacity assessment and development provide the ‘how’. Capacity assessment and development are means, not ends. UNCT-supported capacity assessments help to:

- ‘Unpack’ capacity needs identified by the normative principles
- Identify gaps between desired future capacities and current levels
 - Help formulate capacity development strategies and expected results

Figure 2: Two enabling principles



Results-based management (RBM) makes it **operational** and helps to ensure accountability and to connect analysis to planning and management, with:

- Formulation of specific, measurable, achievable, relevant, time-bound SMART results with stakeholders
- Arrangement of resources to achieve results
- Functioning mechanisms and processes for monitoring and reporting on UNDAF performance
- Use of UNDAF performance information with stakeholders for decision-making
- Use of lessons and good practices in the next UNDAF cycle

The norms and standards underpinning these principles are **universal**, so they are applicable to **all contexts and to all people in all countries**. The normative principles are **based on law, internationally agreed development goals and treaties**, national laws and commitments. Moreover, they are **relevant to government-UN cooperation, everywhere and always**. The conceptual framework can be applied to any programme intervention, in any country, by any organization, for any of the development priorities, and with any partner.

Under the UNDG Programming Working Group, a task team consisting of representatives from DOCO, ILO, OHCHR, UN Women, UNAIDS, UNDP, UNEP and UNFPA oversaw the development of the case studies. Specifically, the task team sought to show:

1. Practical examples of how norms and standards have been successfully used at the UNCT level and how they have enhanced sustainable results and more equitable, inclusive, participatory and transparent development processes
2. How UN-specialized agencies and departments with strong normative experience and more operationally-oriented agencies have engaged in joint programmatic approaches
3. How the Delivering as One approach has achieved internal UN policy coherence and jointly addressed cross-cutting issues, where applicable
4. Evidence of institutional capacity shifts and updated institutional arrangements to respond to the normative-operational linkages, as well as to the post-2015 agenda

The task team also defined the following themes for the identification of the case studies:

1. Facilitation of national engagement with human rights mechanisms and use of their outputs via UN programming and policies in support of national efforts
2. Application of a human rights-based approach and a strengthening of gender equality in areas such as economic empowerment, education, food, access to health care and housing
3. Mainstreaming of human rights and promotion of gender equality in national development planning and budgets
4. Achievement of full and productive employment and decent work for all, as guided by the norms and standards of the ILO conventions
5. Promotion of environmental sustainability
6. Promotion of inclusive and peaceful society, including through access to justice, rule of law and anti-corruption efforts

In August-September 2014, a call for case study proposals was issued to all UN Country Teams; the call drew 24 proposals, which were reviewed against the following criteria:

1. The extent to which the UN has addressed international norms and standards in an integrated manner, involving more than one agency
2. Demonstrated impact of the normative/operational linkages approach on the development issue in question (e.g., results focus, evidence of results achieved)
3. Potential for useful recommendations and lessons learned for global context (learning value, transferability and replicability)
4. Balance of region and country context

This study is based on the UNEG norms and standards for Evaluation in the UN System, 2005. Although the study is not a formal evaluation report, a main concern has been to validate the results obtained through proper evidence. Wherever possible, this included third-party information, external evaluations, government sources and data, civil society and other implementing partners' data, media sources and articles, cross-validation with other UN agencies, and triangulation of the documentation provided (i.e., confirmation by three separate sources) to ensure that the findings and results were credible and evidence-based.

Albania: Bringing women's human rights home

Abstract

The case study covers the time from July 2007 to December 2014. UNDP had already had a long presence in Albania, so the establishment of the UNIFEM/UN Women office in Tirana (in 2007) allowed the two UN agencies to join forces to help the country contextualize the CEDAW requirements and further advance women's rights in policy and practice. Although Albania had ratified the CEDAW in 1993, the country took 10 years to present its combined initial and second periodic reports. The first CEDAW Committee's concluding observations became a work plan for Albania and a platform for the UN to support that country's ambitions to comply with international women's rights standards.

Background

According to the UN Development Programme Human Development Index, the country ranks 56 in the world, but, when factors related to gender empowerment are taken into consideration, the country drops to a ranking of 72. The country is similarly ranked with respect to women's economic activity and representation in parliament (UNDP Human Development Report, 2005).

Although there are no accurate national statistics concerning domestic violence in Albania, some studies by Albanian NGOs reveal that the problem is serious and prevalent. Indeed, almost 40 percent of women surveyed claimed to have been victims of regular physical violence. As if this were not troubling enough, the percentage of abused women and girls in rural areas is twice as high as that in cities (NHDR Report, 2005).

Discrimination against women and violence are closely interlinked. For that reason, General Recommendation 19 of the CEDAW states that gender-based violence is a form of discrimination that gravely affects women's enjoyment of their human rights. Although the Albanian constitution and law guarantee women equality with men, Albanian women suffer extreme gender-based discrimination.

According to Albania's Common Country Assessment (CCA), gender inequality in Albania exists primarily for two reasons: 1) the country is "a male-dominated society" where women are seen as inferior to men and 2) the state machinery for the promotion of gender

equality and protection of women is weak. Indeed, Albanian society has a history of male domination, a reflection of the strong patriarchal tradition in the Balkans. Women have been taught to accept submissive roles. The problem of domestic violence is still not a topic of necessary public discussion. In addition, women's awareness about their rights in the family is unsatisfactory. The idea that physical and psychological violence are somehow part of marriage dominates in many cases. Poverty and unemployment have become the most significant risks factors for women's vulnerability to domestic violence, as they make it far less likely or even impossible that abused women can leave their abusive partners.

The 2005 *Albania HDR* on pro-poor and pro-women policies assesses progress made through existing development frameworks, i.e. the National Strategy of Social and Economic Development, the EU integration process, and MDG agenda. By embracing a multi-dimensional definition of poverty, and through the use of disaggregated statistical data, the Report advocates for mutually re-enforcing development models that are at the same time pro-poor, pro-women, and pro-growth.

The Report offers both cross-cutting and sector-based analysis of gender issues, including domestic violence and the trafficking of women and girls. The Report recognizes the inter-connected factors of domestic violence, i.e. the gender dynamics of power, culture and economics. It argues for an integrated framework of prevention and intervention, including targeted advocacy campaigns through local media. To combat trafficking, the Report puts forth several proposals, including a call for special victims' rights training of prosecutors, judges, lawyers and police officers, and a reintegration strategy that goes beyond immediate needs (shelters, psychological counsels, health care, security and housing) to include education and re-training for new jobs.

Implementation strategy

UNDP and UN Women have followed a transformational and holistic strategy to combat gender inequality from different angles, across sectors, at various levels and for a sustained period of time. Various initiatives demonstrate this, including:

1. **Support in developing the first and second National Strategies on Gender Equality and Domestic Violence (2007-2010 and 2011-2015)** inspired by CEDAW standards and the CEDAW Committee concluding observations (**the second strategy also contains a costed action plan**).

Technical support of Labour, Social Affairs and Equal Opportunities (at present Ministry of Social Welfare and Youth) in drafting the Gender Equality Law and in convincing members of parliament of its importance. The UN also mobilized the national women's movement to lobby and advocate for adoption of the law. **The law passed on 24 July 2008**, stipulating a 30-percent quota in elected and nominated decision-making positions. Subsequently, to ensure the implementation of the quota provision for representation in parliament ahead of the 2009 general elections, the UN advocated and provided technical expertise to political parties in introducing the quota

in the Electoral Code (adopted in December 2008). The Gender Equality Law contains provisions regarding the responsible organs for attaining gender equality and their duties and adopts the CEDAW's definition of gender discrimination, its prescribed court procedures and its sanctions.

2. UNDP and UN Women engaged the best international and legal expertise to **review the Albanian legislation from the gender equality perspective and helped the Ministry of Equal Opportunities to develop a comprehensive set of legal proposals to remove discriminatory provisions from Albanian legislation.** This normative and CEDAW-compliant package is one of the priorities established by the Government of Albania to advance its EU integration process.
3. Numerous trainings sought to equip relevant professionals (judiciary, lawyers, law students, public administration, public oversight bodies, etc.) with a good understanding of gender equality and of Albania's international commitments regarding women's rights and with skills to interpret and apply national legislation pertaining to gender. In particular, **UNDP and UN Women supported the establishment of gender equality focal points in line ministries** (as foreseen in the Gender Equality Law) and heavily supported the development of their technical skills in mainstreaming gender and ensuring implementation of international and national legislation. In order to translate UN support commitments into realities throughout the country, **the UN also helped municipalities develop local gender equality plans and to budget for them**, combined with awareness raising on equality between men and women.

These efforts were articulated through a series of interventions. Initially, the project Domestic Violence – No Longer a Family Issue operated from October 2006 until December 2008 primarily to support lobbying and implementation capacities of the new law against domestic violence. It was comprised of three components:

1. **Policy review for a protective legal and social environment for women who suffer violence** – Supported the formalization of the National Strategy and Action Plan against domestic violence, development of implementing regulations on the basis and for the implementation of the newly enacted Domestic Violence Law
2. **Law enforcement and relief services through community coordination** – Strengthened the capacities of law enforcement institutions such as Ministry of Interior or specialized NGOs and CBOs at the grassroots level to address domestic violence

3. **Raising awareness to change attitudes** – Focused on prevention and empowerment programmes in schools to change societal attitudes through broad awareness-raising programmes, improved curricula and teacher training.

In continuation of these efforts, a new UN Joint Programme on Gender Equality in Albania, entitled Support to the Implementation of the National Strategy for Gender Equality and Domestic Violence (NSGE-DV) – Advancing Democratic Governance in Albania, was operated from 2008 until 2011. This joint programme was implemented by four UN agencies (UNIFEM, UNDP, UNFPA and UNICEF) and had four goals:

1. To give the national government capacity to more effectively monitor and implement the NSGE-DV
2. To improve the public sector's response to women's needs and priorities at the local level
3. To involve women in accountability processes that promote gender equality
4. To improve coordination of external support to government and civil society in advancing gender equality

Progress and results

The UN's efforts were significant, although changing mind-sets about gender discrimination remains a work in progress and requires a continuous will to keep efforts in gender mainstreaming and knowledge dissemination active for many years. However, national mechanisms are being created and civil society and women's organizations are taking up the challenge and starting to demand their rights.

The two key results are structured around different axes, but are mutually supportive: one in the legislative sector, the other in working with civil society and the general public.

1. The adoption of the Gender Equality Law in 2008, which led to the integration of the 30-percent quota requirement into the Electoral Code of 2008, is a key achievement. In the 2005 national elections, only 7 percent of elected MPs were women. With the introduction of the new quota system, the number of women elected in the 2009 national elections as MPs doubled to 16.4 percent, and further increased to 20.7 percent in the 2013 elections. .
2. Understanding and awareness about gender equality for all levels of society have grown. As a result of the extensive public awareness and advocacy campaign in support of the new legislation, the number of reported cases of domestic violence has increased significantly, demonstrating increased awareness among citizens and increased trust in the responsible bodies. From 2005 to 2009, the number of reported

cases increased from 94 to 1,217; by the end of September 2010, that number had grown to 1,483, reaching 3,094 by 2014. Requests for protection orders presented to the courts by the police increased from 377 in 2008 to 859 in 2010, reaching 1,882 in 2014.

Outcomes

1. The number of women elected to parliament in 2009 was double that elected to the previous parliament. These women became the main supporters for further improvements in national legislation, such as the adoption of the Anti-Discrimination Law of 2010 and the integration of a number of anti-sexual and gender-based violence provisions into the Criminal Law (2012-2013).
2. Women lawyers' organizations began to take the new norms developed under CEDAW to a) support women seeking their rights in courts and other administrative bodies; b) scrutinize courts' application of CEDAW and domestic norms; and c) advocate for further normative and judicial practice changes through strategic litigation cases.
3. Gender equality norms and strategic priorities also found way into other sectoral policies such as the National Justice Sector Strategy, National Vocational Training and Employment Strategy, National Action Plan for Women's Entrepreneurship. A Council of Ministers Decision required every ministry to include at least one objective in its mid-term budgetary programme and action plans.
4. Increasing use of courts by women has contributed to courts referring explicitly to CEDAW and Gender Equality Law provisions.
5. Awareness campaigns in implementation of the National Strategy on Gender Equality have become smarter, focusing more on men and boys to challenge gender stereotypes and combat gender-based violence. Politicians are starting to use the term 'gender equality' in their electoral campaigns and in their political programmes.

Lessons learned

1. Changing the mind-set of culturally rooted traditions takes time and requires a sustained programmatic framework and long-term commitment from the UN, using normative principles as the banner under which national priorities are developed.
2. Normative developments may serve as the driving force for gains in other aspects of women's human rights, so investing in these lays the groundwork for more solid future interventions aiming at gender-transformative results.⁷

⁷ As defined by UNDP, the term 'gender-transformative results' explicitly seeks to redefine and transform gender norms and relationships to redress inequalities and discriminations in social, economic

3. Combined interventions in development of norms and policy design, in building skills for understanding and applying those norms, in spreading knowledge of rights and remedies and in building supporting partnerships with men and boys are more likely to succeed not only in ensuring compliance of domestic laws with human rights conventions, but also in supporting a more sustained and transformative change. Therefore, working at multiple levels and in a holistic manner enhances the prospects of positive global impact.
4. A good fit between UN agencies and their respective staff in terms of combination of talents and funds, a relevant division of labour and mutual reinforcement of gender equality messages in interaction with national counterparts, seems to be producing visible results for Albania.
5. The case study may be equally applicable to most of the other States Parties to UN norms, but it is especially relevant for EU aspirants and Council of Europe members because EU women's and human rights standards conform with UN standards and compliance mechanisms; in accepting those standards, aspirant countries thus tacitly accept UN standards and mechanisms.
6. While CEDAW was the trigger for Albania to seriously address gender equality issues, an important enabling factor was the commitment and leadership of the UN Resident Coordinator towards gender equality, which further enhanced the work of the four UN agencies under the UN Joint Programme and under the Delivering As One modality applied in Albania.

and political structures, norms, institutions and relations. The aim is to transform the systems and institutions where inequalities are created and maintained; this involves the redistribution of power, control and resources.

Abstract

The case study deals with the establishment of a social protection platform for Mozambique through the collaborative efforts of the UN Country Team. UNICEF, ILO and WFP are working at different levels to support the development of a social protection floor for the country. Efforts started in 2005 and have been ongoing for 10 years, with key inputs at different stages. Previously, the UN Country Team had different projects that were not connected with each other and there was little shared understanding about social protection. The ILO standards on the Social Protection Floor (SPF) provide an overarching framework for the government to have a holistic approach to social protection while also providing the tools that allow the definition of priorities through the Assessment-Based National Dialogue (ABND). The ability to cost the benefits with a long-term perspective has allowed the government to increase coverage of beneficiaries while also reviewing the budget allocation for social protection.

Background

The ILO Social Protection Floors Recommendation, 2012 (No. 202), adopted by the International Labour Conference, reaffirms that “the right to social security is a human right” and that social protection is universal, “based on social solidarity”. It also recalls previous international labour standards that are of relevance and “important references for social security systems”. The four guarantees defined under ILO Recommendation No. 202 – access to essential health care and basic income security for children, for persons in active age unable to earn sufficiently and for older persons – offer a rights-based framework. Conducting Assessment-Based National Dialogue is a useful first step to assess a country’s current offers and gaps in terms of social protection (SP) schemes and to promote an inclusive national dialogue on social protection policy options.

Mozambique is at the initial stages of developing its social protection systems. Together with the UN Country Team, the government identified the Social Protection Floor framework and the Assessment-Based National Dialogue as central tools in defining national policies and implementation frameworks in social protection.

Over the last two decades, Mozambique’s economy has grown at unprecedented speed. However, this has not translated into equal progress in poverty reduction and human development. There is a large consensus now that social protection is a crucial instrument to accelerate the reduction of extreme poverty and to accelerate progress to the MDG objectives.

For this reason, the country is now establishing sound policy and institutional frameworks to deliver effective social protection mechanisms.⁸

The UN was recognized amongst cooperating partners for its capacity and unique expertise at the macro level in the areas of social protection financing and the establishment of a rights-based legal and institutional framework, grounded in international social security standards.

Implementation strategy

With the central objective of promoting capacity-building of national stakeholders, the intervention strategy has three main axes: 1) technical assistance to the development of policies and systems; 2) training (including in-job training); and 3) knowledge development. In practical terms, the initiative comprises practical assistance with specific economic feasibility studies, legal expertise, support to national dialogue processes and advice on the governance and administrative aspects of implementing national social protection floors; this reflects the principles of ILO Recommendation No. 202. The initiative also includes a regional peer learning process promoting a South-South approach. As countries from the South move forward in their development process, they can have a more active role in the shaping of the development agenda, and their experience and lessons learned become relevant to addressing global challenges. Innovative solutions from the South are increasingly being shared among developing countries as South-South cooperation⁹ enables strategic partnerships that are seen as coherent and essential initiatives to propel development.

⁸ For instance, the UNDAF 2007-09 established within its human capital cooperation area the objective of extending social protection to vulnerable groups such as children, youth and women. The Joint Programme on Women's Empowerment and Gender Equality, which ran from May 2007 to December 2011, had an important role in promoting training and communication material on legislation protecting women worker's rights, in particular ILO Convention No. 100 on equal remuneration, No. 111 against discrimination in employment and No. 183 on maternity protection.

Within this context, Mozambique approved the Law on Domestic Violence against Women (Law 29/2009) and the Law for the Prevention and Combat against Trafficking in Persons, particularly Women and Children (Law 6/2008). Final Programme Narrative Report of the Joint Programme on Women's Empowerment and Gender Equality (MOZ0853OUF), December 2011.

⁹ In March 2012, the Governing Body of the ILO adopted a strategy to promote South-South and triangular cooperation, which reaffirms that South-South and triangular cooperation is paramount to the mainstreaming of the Decent Work Agenda. The ILO's strategy is consubstantiated in the policy document 'South-South and triangular cooperation: The way forward', which states:

"South-South and triangular cooperation is a manifestation of solidarity among the countries and peoples of the South that contributes to their national well-being, national and collective self-reliance, and the attainment of internationally agreed development goals, including the Millennium Development Goals. South-South and triangular cooperation should not be seen as official development assistance, but as a partnership among equals based on solidarity, and is not a substitute for, but rather a complement to, North-South cooperation. From this stems the concept of 'triangular cooperation', which is defined as South-South cooperation supported by a Northern partner. South-South and

There is considerable potential for promoting social security through South-South and triangular cooperation via the Community of Portuguese Language Countries (CPLP), whose current Member States are Angola, Brazil, Cabo Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, Portugal, São Tomé and Príncipe, and Timor-Leste. To this end, at the 12th Ministerial Meeting on Work and Social Affairs, held in Maputo from 23-25 April 2013, ministers discussed the challenges related to social protection and food security. Indeed, these countries signed the Maputo Declaration, which highlights the efforts of the CPLP to adopt public policies that foster the creation and consolidation of social protection systems in line with the concept of the ‘social protection floor’ approved by the International Labour Organization.¹⁰

Three UN agencies share most efforts of the UN System: the ILO, which focuses mainly on the policy level; UNICEF, which works on system development; and WFP, which is engaged at the micro-implementation level.

triangular cooperation takes different and evolving forms, including, *inter alia*, the sharing of knowledge and experience, training, and technology transfer. It embraces a multi-stakeholder approach.”

http://ilo.org/gb/GBSessions/GB313/pol/WCMS_172577/lang--en/index.htm

¹⁰ The Maputo Declaration also reaffirms the joint commitment of the CPLP Member States to implement social protection measures to address poverty and vulnerability as well as emergency situations in the CPLP sphere. It also asserts the political will to improve coordination in order to continue strengthening policies and programmes aimed at extending social protection and combatting child labour. In addition, it advocates for a renewed support for South-South and triangular cooperation as a means to contribute to the implementation of the Decent Work Agenda and its four strategic objectives in the framework of the CPLP, with a special focus on combatting child labour, strengthening the role of labour inspection and promoting social protection.

http://www.cplp.org/Files/Billeder/cplp/redes/TrabSegSocial/01_Dec-Map_XIIRMTAS_CPLP.pdf

UN Joint Programme on Social Protection

Mozambique is a flagship country for the One UN Initiative, which promotes increased coordination between clusters of UN agencies. Since 2007, the United Nations Children Fund (UNICEF), the World Food Programme (WFP) and the International Labour Organization (ILO) have collaborated with the Ministry of Women and Social Action (MMAS) and the Ministry of Labour (MITRAB), to develop and expand the social protection system. The National Institute for Social Action (INAS), the executive arm of MMAS, is the main implementing partner. The Ministry of Planning and Development (MPD) and the Ministry of Finance are also involved. This collaboration, led by the Government of Mozambique, is considered a 'best practice' of One UN Joint Programme support in the establishment of a national SPF.

The UN Joint Programme on Social Protection was created to support MMAS and INAS in strengthening their planning and budgeting capacity, evaluating existing social protection programmes, developing the National Strategy for Basic Social Security (ENSSB) and improving coordination and implementation.

From the government's point of view, UN joint planning is important because it diminishes the administrative and transaction costs for government, ensures greater accountability and more transparency when assessing results and guarantees that resources are directed at the priority areas established by the ENSSB. "Before, we had to deal with multiple partners, with various priorities and different approaches. It was extremely complicated. Sometimes the objectives overlapped; sometimes they wanted to finance the same areas. It was difficult to direct them to the priorities. With this joint approach, we know which partners we need to deal with regarding which issues," reflects Elsa Alfai, MMAS.

From the perspective of the UN agencies, the joint approach creates a stronger political voice for the UN, increases delivery, reduces fragmentation and replication and improves the credibility of UN agencies as providers of technical assistance and evidence-building. It also contributes to more coordinated action between UN agencies and the government and strengthens the position of UN partners within the Social Action Group under Mozambique's Poverty Reduction Action Plan 2011-2014.

Progress and results

In the political sphere, **social protection has become more important** among programmatic tools. **In parallel, the reinforcement of legal tools**, including the Social Protection Law, the Regulation on the Basic Social Security Subsystem and the Regulation on the Coordination of the Compulsory Social Security System, **also plays an important role in the institutionalization of social protection.**

Outcomes

1. The results came with the approval of the National Strategy for Basic Social Security¹¹ in 2010, and, particularly after 2011, with the increasing fiscal space allocated by the

¹¹ The National Strategy for Basic Social Security (ENSSB) was adopted by the government through Resolution No. 17/2010 of 27 May 2010. It defines the guidelines and actions for basic social protection

government to the sector. Figures indicated an increase from 0.18 percent of GDP in 2008 to 0.5 percent in 2014 and translated into an increase in the number of beneficiaries from 167,000 to 440,000. At the same time, the amount of transfers more than doubled.

“We faced social pressures to respond more efficiently to the problems of more vulnerable groups. Although we had already implemented programmes, there was a call for stronger, broader programmes. That opportunity led us to analyse, in a much deeper way, what we were doing,” recalls Elsa Alfai, MMAS. “The Prime Minister contacted the ILO and the IMF to discuss the role of social protection in mitigating the impacts of the food and fuel crisis. This created a very important opening; several government leaders began to better understand the concepts and the positive impact that social protection could have in improving people’s lives.”

2. The government currently finances 90 percent of its programmes.

Lessons learned

1. It is critical to **respect the government’s pace and ownership** to ensure sustainable changes. Ownership must be built from within the government.
2. Investing in the **development of technical knowledge** among key agents and ministries is necessary to successfully increase political influence. Capacity development is a necessary, integral part of the holistic support provided.
3. **Alliances with international actors**, such as the International Monetary Fund (IMF), have been essential for funding.
4. **Having a coordinated approach** enables the UN System to have a stronger political voice. It increases its delivery and coordination capacity regarding social protection by avoiding fragmentation and redundancy and improves the agencies’ credibility.
5. The creation of **strong UN teams** around the concept of Social Protection Floors **reinforces the capacity of the UN System to promote a rights-based approach** in social protection. Because it is not always possible to promote immediate universal coverage, advocating for a rights-based framework should influence the policymaking and the implementation levels. Creating a common understanding around social

2010-2014, ensured not only by the Ministry of Women and Social Action but also by other institutions such as the Ministries of Health, Education and Justice. The ENSSB includes social assistance programmes focused on those who are extremely poor and lack the physical capacity for work, development programmes focused on those who are extremely poor but have the physical ability to work, and social services providing institutional support to people in vulnerable situations. "Estudo sobre a aplicação das Convenções n.º 138 e n.º 182 da OIT e suas recomendações na legislação nacional dos países da CPLP", ILO-CPLP, December 2012, pp. 35-52.

<http://www.cplp.org/Files/Billeder/MIC CTI/PALOP Studies Mozambique PT Web.pdf>

protection, spread over multiple layers of the society, is essential to making social protection part of the social contract and building a more inclusive society.

6. **Strong importance of the participatory process used to develop the strategy** led to greater buy-in from government and civil society.

“During that process, the key stakeholders began to move in the same direction. It fostered greater understanding of social protection and enabled the development of the system,” reports Olívia Faite, Head of the Social Assistance Department, INAS.

7. The establishment of medium- and long-term programmatic tools as enablers for developing adequate social protection response was important.

Abstract

In order to implement the international norms and standards to which Yemen is a signatory, UNICEF and OHCHR have been working to strengthen the juvenile justice system in Yemen through reform of national legislation, cooperating to eradicate the juvenile death penalty and advocating against some traditional harmful practices such as child marriage and female genital mutilation (FGM). Important results, such as the suspension of three cases of juvenile death sentences by the President of Yemen, have been achieved through joint UN advocacy, while awareness is being raised and technical capacity is being developed within government and civil society to support the drafting of legislation in line with the Convention on the Rights of the Child. In January 2014, the National Dialogue Conference in Yemen, which involved various Yemeni political, social, age and gender groups, concluded its deliberations and came out with sets of outcomes to mark the political, economic and legislative future of Yemen. These included clear outcomes in relation to defining the 'age of the child', agreeing to set the minimum age for marriage and criminalizing harmful social practices such as FGM.

Background

In recent years, Yemen has faced social and political challenges to socio-economic development. The associated deterioration of the security situation has been particularly harsh for women and children. The civil unrest that erupted in 2011, in which there were calls for political and economic reform, ended with a peaceful transfer of power. However, while the transitional government is in its third year, there continues to be uncertainty.

Children in Yemen face serious challenges. Yemeni national legislation is not fully compatible with international standards, including with respect to its lack of determination of the age of majority (juvenile justice law and children's rights law, for example, differently define the age of majority). Accordingly, with the low birth registration rate (22 percent), Yemen is one of the few remaining countries in the world that still apply the death penalty to child perpetrators. Furthermore, there is no minimum legal age for marriage. In addition, social norms and traditions still support FGM, regardless of its physical and psychological implications. Children in contact with the law have been and continue to be especially vulnerable; for most of them, diversion from the criminal court system is impossible. Consequently, children's rights are violated daily in Yemen.

Implementation strategy

¹² This case study was developed before the war erupted in Yemen on 26 March 2015.

Since May 2013, the **OHCHR** and **UNICEF** have been **coordinating actions** to strengthen the juvenile justice system in Yemen. While working under separate projects, both agencies have been collaborating closely in **order to make the juvenile justice system compliant with international norms**. For example, while UNICEF reviewed national legislation to identify gaps and to highlight inconsistency related to children's rights, OHCHR developed a Country Situation Note to help the government align its legislative framework with international human rights standards. This strategy sought to work within the national system, as the new Government of Yemen wished to incorporate international standards into its own legislation and practice.

Two critical entry points were:

1. **Children under Yemeni law are considered to be objects rather than subjects of rights and social actors; there is no accountability for crimes committed by parents or legal guardians**, such as torture, FGM and corporal punishment, as well as regarding forced marriages. As the law does not ensure the protection of children, **it was necessary to advocate for change of the law**.
2. There are **children in Yemen on 'death row'**. When the government agreed to open the central prison to the UN to undertake a survey, the size of the problem surprised everyone, even though penal law states that no one under 18 should be executed. This raised concerns by children's rights activists and **created momentum to change the law**.

The shared implementation strategy and joint efforts were grounded on the following components:

1. **Reviewing national legislation in Yemen to identify gaps**, highlight contradictions and assess compatibility with international standards
2. **Supporting the drafting of a new children's rights law** that addresses previous limitations and stipulates the age of majority in line with international standards, including by setting the minimum age of criminal responsibility at 12 and the upper age for juvenile justice at 18 instead of at 15. Additionally, the new draft law includes provisions on criminalizing harmful social practices such as FGM and proposes to set a minimum legal age for marriage.
3. **Supporting a programme to build the capacity of law enforcement bodies** (police, judges, and prosecutors), social workers, community leaders and civil society

organizations in order **to improve** their **skills**, knowledge and behaviour **in dealing with children in conflict with the law**.

4. **A focused advocacy programme on eradicating juvenile death penalty**, which has involved direct contacts with the President's Office, the Supreme Court, the media and civil society organizations. This issue was also included in the fourth periodic report by the High Commissioner for Human Rights on the human rights situation in Yemen that was submitted to the Human Rights Council in July 2013 (A/HRC/24/34).
5. **Joint advocacy efforts to ensure the adoption of the new children's rights law** by the government.
6. **Jointly campaigning for three cases of juvenile offenders sentenced to death**. As their age was not properly verified, the programme supported the approval and creation of a forensic committee to investigate their age and the age of all child-offenders accused of capital offenses.
7. **Supporting the engagement of individuals, civil society and others with UN human rights mechanisms**, namely the Committee on the Rights of the Child.
8. **Monitoring, documenting and reporting on human rights violations, including children's rights violations**

Progress and results

1. **The draft of the proposed children's rights law** is currently under discussion in the Cabinet and is to be forwarded to Parliament for final endorsement. Currently, an interministerial committee is reviewing the draft law with support from UNICEF and OHCHR. The UN is working with and supporting the Ministry of Legal Affairs to conduct targeted advocacy to ensure ratification by Parliament.
2. Because of the joint advocacy work between UNICEF and OHCHR, **the President of Yemen has ordered the suspension of three juvenile death sentences** that the previous president had approved; the president has ordered the Supreme Court to reinvestigate these cases, including the ages of the juveniles. Furthermore, another 51 cases involving death sentences handed down by first instance courts, appeal courts or supreme courts were suspended and the President ordered that an independent forensic committee determine the ages of the juveniles at the time of their offences. The President also ordered that the forensic committee review all cases involving children accused of severe offences.

Outcomes

1. Increased collaboration between two UN agencies to help the National Constitutional Drafting Committee incorporate the National Dialogue Conference outcomes into the new constitution, specifically with a focus on children's rights. OHCHR is further supporting the Committee on the overall human rights framework to ensure that the Constitution is in line with international human rights standards.
2. UNICEF hired a legal expert to lead on the National Technical Reform Committee and the associated legal review. This review was later used by the Ministry of Legal Affairs to inform the drafting process of the new children's rights law.
3. A Memorandum of Understanding has been developed between the Ministry of Human Rights, the Higher Council for Motherhood and Childhood, the Coordination Commission for Yemeni NGOs for Children's rights, UNICEF and the OHCHR in order to establish a national observatory on the rights of the child in Yemen. The Minister of Human Rights is committed to including national independent human rights institutions based on the Principles relating to the Status of National Institutions (the Paris Principles) as a priority and the creation of the National Observatory will be part of the national human rights institutions.

Lessons learned

1. **The willingness of the Government of Yemen to apply the international standards** to which it has subscribed, **and the current transitional government** that offers a chance to engage on the compatibility between the national legislation and practices and international standards as it relates to juvenile justice, were the triggers and entry points that allowed the UN to successfully pursue efforts. **Another enabling factor has been the commitment of the Minister of Human Rights.**
2. A **more formal coordination structure is desirable** between UN agencies, as is having joint working modalities defined with agreed upon tasks and responsibilities for systematic support and collaboration. At the same time, **international norms and standards helped to forge a common understanding between the two agencies** on how to address the issue. Such a common basis helped in having ongoing follow-up; continuous support and joint interventions were timely. This was done through bilateral meetings creating common platforms such as the UN working group on the Rule of Law chaired by OHCHR by and ensuring a regular flow of communication that

allowed both agencies to follow up on progress, discuss obstacles and agree on the way forward.

3. **Developing the capacity of key national stakeholders is critical for success and longer-term sustainability.** UNICEF's Justice for Children project includes a strong capacity-building component of government and civil society counterparts that improves the juvenile justice sector.
4. **Getting interministerial level support and civil society organizations on board for the establishment of a National Technical Reform Committee for the legislative review was key to ensuring local ownership of the process** and gaining local support.
5. Given the challenges of operationalizing children's rights, this case is a **model** that best focuses on similar **normative rights frameworks that require capacity and reform rather than large-scale service delivery.**

Abstract

In 2012, the UNCT Moldova was invited to submit project ideas for funding under the UN Partnership to Promote the Rights of Persons with Disabilities (UNPRPD) Fund in the context of its first Call for Proposals (UNPRPD Round 1). The intervention was designed with four mutually reinforcing components led by OHCHR, UNDP, UNICEF and WHO. The objectives, particularly the critical entry points, were developed in an open process engaging all UN entities under strong RC leadership. Drawing from the expertise and comparative advantage of working on disability and human rights, the four UN entities finalized the project details and were responsible for project implementation, which gave strategic support for implementation of the Convention on the Rights of Persons with Disabilities (CRPD). The programme directly fit with the United Nations-Republic of Moldova Partnership Framework (UNPF) 2013–2017, which includes targeted human rights outcomes under UNPF Pillar 1 and mainstreamed human rights commitments throughout.

Background

Moldova, with a population of 3,559,541, has more than 176,000 persons with disabilities. Although the population has decreased by 2 percent within the last 10 years, the total number of persons with disabilities has increased by 20 percent. Mental and intellectual disabilities are among the top five areas of disability in Moldova. In 2010, approximately 60,000 persons were under psychiatric supervision. Of the total number of persons with disabilities in the country, annual growth rate of primary disability is about 9 percent. Research indicates that persons with mental or intellectual disabilities are more vulnerable to exploitation, violence and abuse and other losses of human rights. At its first Universal Periodic Review in October 2011, the Government of Moldova committed to continue efforts to combat discrimination on grounds of disability. In addition, the government has committed, as recommended by the Committee on the Economic, Social and Cultural Rights, to removing legal and practical obstacles that prevent or limit the persons with mental or intellectual disabilities from fully exercising their fundamental human rights (E/C.12/MDA/2).

The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, which is one of nine 'core' international Human Rights treaties, was adopted by the UN General Assembly on 3 December 2006 and entered into force in May 2008. The UNCT Moldova directed its efforts in advancing normative standards of the CRPD at the country level by promoting its ratification, inspired by the unprecedentedly participatory and inclusive process of drafting the Convention at the international level that had capacitated people with disabilities and their representing organizations involved along with the state representatives in the lead at all stages, from the beginning of the negotiations in 2002 until the work was finalized in August 2006.

In Moldova, the understanding of the human rights and disability situation, of the capacity and technical assistance needs of the state and of the priorities of the disabled peoples' organizations (DPOs) and the other human rights organizations working to advance the rights of persons with disabilities, was shaped throughout a long-lasting process of cooperation that began in 2009.

In the early phase of cooperation in 2009 and 2010, the UN entities provided extensive support for consolidating the voices of persons with disabilities to promote ratification of the CRPD and to build states' understanding of the importance of adhering to the UN's international norms and standards; this was necessary at the outset in order to ensure states' willingness to ratify the Convention.

Consequently, the question of whether and how to translate the principles of the CRPD and its ground-breaking vision into the national legislation and policies was to be handled by the UN **OHCHR, UNICEF, UNDP** and **WHO** after the September 2010 ratification. UN efforts worked to build the political will to bring domestic law into line with international human rights standards, leveraging in particular the country's ambitions for European integration and the comparative advantage and convening power of the UN to facilitate dialogue among national authorities, broader civil society and disabled persons' organizations. The fully CRPD-compliant Law on the Social Inclusion of Persons with Disabilities came into force **in late 2011**.

While Moldova ratified the CRPD and adopted a national law on the rights of persons with disabilities, the **government lacked the capacities to translate the law from the books into concrete actions**. The call for proposals under the UNPRPD Fund in 2012 provided an

opportunity for the UNCT to develop a consolidated support of the government and civil society to implement the law, to develop targeted plans and to carry out concrete activities.

The UNCT proposal was accepted and, under the UNPRPD, four UN agencies divided the labour, with each agency primarily responsible for the achievement of the outcomes under each of the five pillars as described under the implementation strategy (see table below).

Implementation strategy

The actual implementation began in January 2013 and lasted 24-months in order to ensure completion of the original scope of work and to meet the expectations regarding the reforms concerning legal capacity, deinstitutionalization, inclusive education and torture in psychiatry. Throughout implementation, the four partner agencies had quarterly meetings to assess progress, discuss challenges and potential threats to the successful implementation and strategize further steps. In addition, UN implementing partners used, on a quarterly basis, the already existing governmental platforms, such as the National Council on Disability and the National Council on Child Protection, to bridge and consolidate partnerships across different partner ministries and other state entities directly responsible for the outcomes of the intervention. To make the intervention fully effective and more responsive, persons with disabilities and their representative organizations participated in meetings with state stakeholders on the National Council on Disability and in quarterly consultations with the UN implementing agencies.

Project architecture

Each of the four participating UN agencies has taken a specific responsibility using the CRPD articles as entry points:

Agency	Article	Content
OHCHR (lead) & UNDP	12	Equal recognition before the law
OHCHR & UNDP (lead)	13	Access to justice for persons with disabilities on an equal basis with others
WHO (lead), UNICEF, OHCHR & UNDP	19	The right to live independently and to be included in society
UNICEF (lead) & OHCHR	24	The right to education
OHCHR & UNDP (lead)	33/29	National monitoring and implementation/

		empowerment of persons with disabilities (PWD)
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Synergies of work were ensured mainly by the great commitment of the Human Rights Adviser (originally placed by OHCHR and co-funded by the UNCT agencies) and the strong support of the RC. General secretarial assistance was provided by the National Human Rights Officer, who facilitated: dialogue amongst the implementing partners; narrative quarterly and annual reporting to the donors and the board; coordination of schedules; the tracking of events and deadlines for intervention; and liaising with the UNPRPD technical secretariat.

The UN implementing team benefited from consultation with Headquarters, as in the case of the involvement of the UN Deputy High Commissioner for Human Rights. During implementation, it also found guidance in the recommendations, issued by the Special Procedure mandate holders who visited the country, on measures to improve the intervention's outcomes; these visitors included the special rapporteur on the rights of persons with disabilities and the special rapporteur on extreme poverty and human rights.

Progress and results

Building on previous efforts since 2009, a **key result was greater collaboration on disability rights across the UNCT, the government and disabled people's organizations in Moldova**. The intervention brought together: four UN entities; four ministries (i.e., the Ministries of Education, Social Protection, Justice, Health and Finance) and other state institutions and ministries under the coordination of the vice-prime minister; and civil society organizations and disabled people's organizations which formed a national independent monitoring mechanism to promote the rights of persons with disabilities. **This collaboration among all stakeholders produced outcomes at different levels:**

1. **Within the UNCT, sensitivity toward disability grew.** This mainstreamed disability into new support interventions by agencies either individually or in partnership with other members of the UN family. Benefits included: the physical accessibility of the UN building was ensured; two women with disabilities were hired to coordinating positions on the UN staff; accessibility for persons with disabilities was required for UN procurement; and three new programmes mainstreamed disability and human rights.
2. **Increased familiarity of Moldovan disabled persons' organizations with international human rights policies regarding disability,** the UN System and the diplomatic community. Examples of such fruitful engagement are: the participation of Moldova's National Independent Monitoring Mechanism to the High-Level Meeting on disability

and development in the context of shaping the post-2015 Agenda in September 2013; participation of Moldovan women with disabilities in the CEDAW country review process in November 2013; participation of the Moldovan disability rights community in the drafting process for CRPD General Comment No. 1 (2014) on Equal Recognition Before the Law.

3. **The first Organization of Users of Psychiatry was created** and empowered to participate in the promotion of disability rights. Experts participated at every major event in order to guarantee that the voices of persons with disabilities were at the forefront of the project. As a result of UNPRPD support, this organization convened and filed a request for official registration with the Ministry of Justice. The group commented on CRPD Committee Draft General Comment on Article 12: Equal recognition before the law. UNPRPD began work to create independent bodies that will monitor the implementation of the Convention, in line with its Article 33(2).
4. **Strengthened capacities of judges to consider standards of international law** in cases that contravene provisions of domestic law. One case, in Chisnau, involved a judge who rejected the application that the parents of an 18-year-old woman had lodged seeking to have her declared mentally incompetent. The free legal aid lawyer representing the interests of the girl and the judge assigned to the case had both participated in trainings on CRPD Article 12 organized within the framework of the project. Judges have also begun to require the application of a provision of the Civil Code that provides for a form of supported decision-making instead, as required by Article 12 of the CRPD. Furthermore, due to the extensive advocacy efforts of the UNPRPD project, the Deputy Prime Minister firmly committed in February 2013 to place the implementation of CRPD Article 12 on the government agenda. Subsequently, an interministerial working group developed, with assistance from the project, a Draft Law on Support in Exercising Legal Capacity, which proposes to replace the current guardianship system with supported decision-making. The government is currently reviewing the draft law. Influenced by research carried out by the project, the President of the Supreme Court of Justice issued a judgment on the right to legal capacity for persons with psychosocial and intellectual disabilities. Civil Code reform of guardianship provisions was planned amidst wider Civil Code reform during 2014 and is a government commitment within Moldova's current National Human Rights Action Plan.
5. **Increased capacity of local authorities to support children with disabilities** in accessing quality mainstream education in their communities. The government was

capacitated to develop a national body for the coordination and methodological guidance of inclusive education processes, the National Centre for Psycho-pedagogical Assistance. After the pilot phase of the programme, **the government decided to extend psycho-pedagogical assistance services to each of the 35 districts and municipalities of Moldova, with partial support of UNPRPD**. Furthermore, **the Ministry of Education identified the allocation of adequate resources, including funding from the state budget, as a priority for 2013**. In order to further institutionalize these advancements, a study of the regulatory framework for inclusive education was conducted and a series of changes introduced to the Code on Education. Additionally, a **national curriculum on inclusive education was developed** and more than 500 teachers and educational administrators were trained at the national and local levels. **The National Bureau of Statistics adopted indicators** on inclusive education and guidelines to support improved data collection that will improve the monitoring of the progress of the project's interventions.

6. Access to effective independent complaint mechanism and judicial representation for people from psychiatric hospitals and social care homes.
7. Effective **capacity of the National Council on Prevention and Elimination of Discrimination to act effectively on cases of discrimination on grounds of disabilities** in all areas of life (employment, health care, education, justice, etc.);
8. **Ability of persons with psychosocial or mental disabilities to work with governmental bodies** on developing integrated socio-medical support services, necessary to support living and inclusion in the community and to prevent hospitalization. In December 2013, the Moldovan Ministry of Labour, Social Protection and Family began **review of a draft National Strategy and Action Plan on Adult Deinstitutionalization**, developed in consultation with representative organizations of persons living with psychosocial and mental disabilities with the support of the UNPRPD project. Starting in January 2014, mental health care was integrated into primary health care and community health centres opened in every region to ensure that persons with psychosocial disabilities can enjoy their right to independent living in their own communities, as required by Article 19 CRPD. Consequently, **new admissions to residential institutions have slowed and some current residents were reintegrated into their communities of origin**. Parallel to the work on deinstitutionalization, extensive support was provided to the Ministry of Health to implement the **National Mental Health Programme 2012-2016**. A **major milestone** in

this process was the decision – adopted by the Ministry of Health Collegium – to **create community mental health centres in all districts of the country**, starting on 1 January 2014. The centres will be essential in the decentralization of psychiatric care and the integration of mental health services into the primary health care system.

9. In Moldova, the UNPRPD supported the piloting of an Ombudsperson for Psychiatry, an independent complaint and monitoring mechanism intended to ensure that persons in psychiatric facilities have access to effective remedy in case of violations of their rights. The impact of the Ombudsperson was felt at the level of individuals (who were able to successfully bring forward complaints about abuses they had experienced) as well as across the broader psychiatric system (where awareness of CRPD provisions significantly increased). In September 2013, at the end of her visit to Moldova, UN Special Rapporteur on extreme poverty and human rights Magdalena Sepúlveda stated, “I was favourably impressed with the pilot Ombudsperson for Psychiatry arrangement, as well as with the positive changes and human rights scrutiny provided by the arrangement. I urge the Government to swiftly formalize and fully institutionalize the position of Ombudsperson for Psychiatry.” Based on the positive changes brought about in the Moldovan psychiatric system by the Ombudsperson, the government committed to the full formalization of the position (with a fully independent mandate and adequate resources from the State budget) from July 2014.
10. **Committed state authorities to the legal capacity reform.** A draft law on supported decision-making and regulation of a national agency on coordination and monitoring support agreements was elaborated and is pending government approval.
11. **An implementation and coordination mechanism within the executive branch of government was created** and the executive branch was capacitated.
12. **Civil society’s understanding of the rights of persons with disabilities significantly increased.**

Lessons learned

1. A key aspect to creating an enabling environment and national ownership was the **inclusion of disabled persons’ organizations in all programmatic stages of the intervention**, including in the design, implementation and monitoring and in the evaluation of results.

2. Another indispensable condition is the creation of **national ownership and development of the political will towards reform** in order to apply international standards such as those of the CRPD.
3. **Working together with national counterparts to build awareness and technical capacity** for carrying out implementation is **is essential for success**.
4. Coordination and common planning amongst the broader UNCT under the **committed leadership of the RC** and the formulation of interventions on the basis of the comparative advantages of the individual agencies that are promoting the rights of persons with disabilities, are essential for mission success.
5. The **push from civil society** and the work of the **UN Special Rapporteur** for Disability and Human Rights were essential to fostering government willingness to address this issue.

Abstract

The main purpose of the programme in Bolivia was to **strengthen the capacity of the government and indigenous peoples' organizations to implement the right to free, prior and informed consultation (FPIC)** in all areas of development that affect their interests, in accordance with the **UN Declaration on the Rights of Indigenous Peoples and the provisions in the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)**.

The programme aimed at contributing to the construction and implementation of a regulatory framework for the exercise of the right to national consultation, training civil servants and indigenous organizations, at developing a methodology for participatory assessment for Highly Vulnerable Indigenous Peoples and at strengthening their capacity to formulate their own priorities in development processes and to participate in the formulation, implementation and evaluation of national and regional development plans.

Background

The Constitution of Bolivia states in Article 30 II (15) that "nations and native indigenous peoples are entitled to the following rights: [...] To be consulted through appropriate procedures and in particular through its institutions, whenever legislative or administrative measures likely to affect them. In this context, it shall respect and ensure the right to prior consultation undertaken by the State, in good faith and agreed with respect to the exploitation of non-renewable natural resources in the territory they inhabit." This article of the constitution reflects the provisions contained in Article 6 of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and in Article 19 of the UN Declaration on the Rights of Indigenous Peoples. However, despite this recognition, implementation of the right to consultation is only referred to in the Hydrocarbons Law.

The OHCHR in Bolivia has registered several complaints by indigenous organizations concerning government failure to implement projects or to adopt rules in accordance with international human rights or national law.

The Vice Ministry of Decolonization made a diagnosis of the situation of racism and discrimination in Bolivia under the joint programme Fostering Peaceful Change, which has the support of various agencies of the United Nations System in Bolivia. It stated that:

1. Public entities do not consult them to define public policy and, when they do, their opinions are not heard or considered.
2. In the development and implementation of projects, they are considered only formally or they learn when entering the execution, therefore lacking of cultural relevance, causing (for example) the destruction of sacred sites and natural chains of water supply, which endangers sustainability.
3. The right to prior consultation of indigenous peoples is enshrined in the Constitution as a result of the elevation to the status of international law instruments; however, the right mechanisms and instruments have not been developed. This acrimonious contention over various interpretations has led to social conflict.

In this context, the UN in Bolivia has brought together five UN agencies – **UNDP, ILO, OHCHR, UNFPA and UNICEF** – to support the rights of indigenous peoples in line with ILO Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples.

Implementation strategy

The programme has three strategic pillars:

1. **Strengthening regulatory capacities of the right to prior consultation** at the national level under the support of processes of formulation, consultation and coordination of specific laws and regulations. These should include legislators, indigenous organizations, women and other relevant stakeholders such as teenagers, youth and elderly people.
2. **Strengthening of the capacities for implementing the right to prior consultation** through systematic training processes first targeting state officials, indigenous leaders and other sectors dealing with indigenous peoples. In all processes, the equitable representation of women as well as the participation and inclusion of the needs and rights of children and adolescents will be promoted. Furthermore, specific activities with indigenous women will be undertaken in order to acknowledge and address their demands.
3. **Strengthening the capabilities of highly vulnerable indigenous peoples to represent their interests** by supporting the development of diagnostic and comprehensive development plans as a platform for the people involved in their relations with state and private development institutions.

The programme **partnered with two organizations – the Central Indigenous Peoples of the Amazonian Pando (CIPOAP) and the Central Indigenous Women from Amazonian Pando (CIMAP) – to assist the elaboration of participatory diagnostics and development plans** of five indigenous peoples that live in the Pando Region. Of these, three (the Yaminahua, Machineri and Esse Ejja) are defined as “highly vulnerable” because of their decreasing population.

Progress and results

1. Support for two meetings of the National Commission on the Right to Consultation that took place in August and December 2013. The meetings gathered representatives of the government and indigenous peoples’ organizations (IPOs) from all regions of the country. **The new law proposal**, in line with international standards, **was agreed upon** by the representatives of government and all major IPOs in the country and will be submitted to the next Legislative Assembly.
2. The programme facilitated the **Third International Conferences on the Right to Consultation in coordination with the Ministry of Interior in Bolivia, with the aim of discussing fundamental issues concerning the right to consultation, and supported the realization of more than 60 sectorial and regional events that were organized at the request of the government and indigenous peoples’ organizations in 17 cities.** The main purpose of these events was to review the first draft of the proposed law concerning the right to consultation. UN experts participated in several of these events, providing training and advisory services supporting international legislation and law proposals.
3. The programme organized the **first multinational meeting of indigenous and public universities for the right to consultation and the elimination of racism and all forms of discrimination in partnership with the Vice Ministry of Decolonization.** The aim of the meeting was to promote a **more active role of the academic community in supporting the rights of indigenous peoples.** Representatives attended the meeting from public and indigenous universities, the Ministry of Education and the Ombudsman’s Office. Three out 11 universities expressed their formal commitment to contribute to the consultation process with indigenous peoples.

Outcomes

1. The project promoted the **more active participation of indigenous women** in the process of consultation, allowing for the inclusion of a more explicit gender perspective in the law project with the incorporation of UN Women.

2. Meetings were organized by the programme in which the **indigenous peoples' organizations presented their plans to local and national governments and to cooperation agencies**. The national and departmental governments have reportedly expressed their willingness to include indigenous demands in their future planning and budgets.
3. The project shared the inputs from the process with the **Vice Ministry of Indigenous Justice, which promoted participation of concerned parties in crafting the Law on the Protection of the Indigenous Peoples and Nations in Danger of Extinction in a State of Voluntary Isolation and Non-Contact. The Legislative Assembly approved this law in December 2013.**

Lessons learned

1. By **emphasizing a rights-based approach, it is possible to link the issue of indigenous peoples' access to justice and other issues with the different UN agencies' programmatic actions toward indigenous peoples** and thereby to strengthen the collaborative work carried out within the UN. This further facilitates resource mobilization within the agencies.
2. Generally, the **recognition of the rights of indigenous peoples is part of a process that takes time; coordination of interventions at the national level remains a great challenge. Substantial commitment and flexibility to negotiate outcomes are required.**
3. The **rights-based approach is particularly relevant in those countries with highly vulnerable indigenous peoples** and is based on international norms and standards that require the adaptation of national legislation and practices to international standards.
4. A **systematization effort** designed for the Bolivian indigenous peoples **was reportedly undertaken at the national level**, as the government is keen to show its efforts and the results. While it is not targeted for a UN or international audience, it may be highly relevant for most other countries in Latin America that have indigenous peoples and it could be useful for the region if funding for such a Spanish-language publication can be found.

Abstract

The UN agencies in Nepal adopted a combined approach to work with duty bearers and rights holders to ensure transitional justice (TJ) compliant with international standards, yet implementable in the context of Nepal. In addition, TJ initiatives linked with efforts to strengthen the longer-term rule of law, human rights and justice mechanisms. Despite visible successes in the mobilization of a local civil society constituency with capacity to advocate for TJ processes meeting international standards, challenges remain in ensuring that TJ more broadly is implemented as part of sustainable peacebuilding.

Background

Nepal emerged from a decade long conflict in 2006 with the signing of the Comprehensive Peace Agreement (CPA). In this agreement, political parties committed to transitional justice (TJ) processes determining the establishment of two truth-seeking mechanisms: a Truth and Reconciliation Commission (TRC) and a Commission on Inquiry on Disappearances (CID).

The UN, as a third-party impartial caretaker and custodian of international standards, has attempted to ensure that these mechanisms and the overall TJ process, including reparations, are established and managed in line with international standards. Efforts of the UN have been ongoing since 2007 and recognize the role that TJ plays in dealing with the past and in building sustainable peace through addressing root causes of conflict. OHCHR, IOM and UNDP, with support from their headquarters and their global missions, have been providing niche technical assistance to this end. In addition, these agencies and others, including UNODC, have contributed to overall justice sector reform efforts – for example, regarding victims and protection legislation.

Major challenges are that there remains no common understanding of TJ in Nepal and that the lack of a comprehensive national strategy for TJ makes it difficult to have a unified approach. Understanding of TJ in Nepal is limited to the two commissions established by the CPA. Furthermore, the TJ process is very much an indigenous and self-guided process driven by the government, but with insufficient technical capacity and understanding of what constitutes a comprehensive TJ process. Fear of prosecution is high and leads to narrow focusing on amnesty and accountability.

Initially, OHCHR initiated a TJ project with four main outputs, namely: 1) advisory and technical support to the Ministry of Peace and Reconstruction (MoPR); 2) support for efforts assisting the establishment of TJ commissions; 3) collating allegations of serious violations of international human rights and humanitarian laws; and 4) support to civil society organizations to facilitate interaction between victims of the conflict and the TJ commissions. With the delay of the establishment of the TJ commissions, the main focus of OHCHR's work was on building understanding of TJ, providing technical knowledge to the government and other stakeholders and supporting the creation or strengthening of constituencies of conflict victims as advocates for necessary standards in the TJ process.

Later, OHCHR and IOM jointly worked on drafting a reparations policy in compliance with international norms and standards and feasible in the Nepal context. Moreover, efforts focused on establishing effective and transparent mechanisms to provide reparations to the victims of human rights violations of the armed conflict. With the delay in forming the TJ commissions, the outputs of this project were not implemented as such, but nevertheless contributed an important analysis of options and recommendations for the government that could to be referred to and accessed when timely. The support of the global Peacebuilding Fund for these activities was crucial.

At the same time, OHCHR and UNODC were working with duty bearers on developing effective victim and witness protection mechanisms and comprehensive legislation relevant for TJ and criminal justice cases. The aim was to connect efforts regarding the TJ mechanisms with institutional reforms in the criminal justice system.

While the government tries to address all TJ issues within the two TJ commissions, the law neither matches the promises of the government nor addresses the rights and expectations of conflict victims. In January 2015, while the case on the TRC Act was still in the Supreme Court, the government went ahead with establishing these TJ commissions, which are not compliant with international standards. As a result, the UN country team, led by the UN Resident Coordinator, shifted its approach from supporting the TJ process and establishing the two TJ commissions to working exclusively with conflict victims.

The implementation was not structured around a single common programme for all four UN agencies, but various interventions were undertaken at different stages and by different agencies to address some of the aspects of TJ, as mentioned above. Despite the complexities and delays in establishing the two TJ commissions, the UN scored some important results.

Progress and results

1. The efforts to build local civil society's understanding about TJ has led to a **strong national constituency that is able to negotiate and advocate for key TJ provisions** in line with international standards.
2. In a situation where the legislation presented by the government on the establishment of the TJ commissions continues to be potentially contrary to the decision of Nepal's Supreme Court and international law in allowing for amnesty in cases of gross human rights violations, **the UN Resident Coordinator has convened a TJ Task Force to promote a common UN position and understanding on TJ in accordance with the UN Secretary-General's Guidance Note on TJ (2010)**. The TJ Task Force has developed **common messaging, clarified roles and responsibilities and ensured coordination between various UN agencies with respect to policy and legal issues and in addressing the needs and demands of the victims**.

Outcomes

1. Engagement with conflict victims has **strengthened the capacity of the conflict victims to seek judicial intervention** and to seek TJ legislations compatible with the January 2014 decision of the Supreme Court of Nepal.

The Supreme Court of Nepal decision of 2 January 2014, made on the case filed against the Truth and Reconciliation Ordinance 2013, included the following five points:

1. Review, reform and amend the ordinance not to include provision of amnesty for serious human rights violations without the victims' consent, which compromises with the victims' fundamental right to justice, right to life and liberty, right to information and right against torture
2. Make criminal prosecution of persons accused of serious violation of human rights certain, easy and uninterrupted
3. Review and amend the limitation of 35 days to file a case after receiving recommendation from the Commission or a ministry on serious violation of human rights
4. Reform laws and adopt practical measures to criminalize acts of serious human rights violations, to manage truth-finding and reconciliation, to initiate campaigns for reconciliation, to provide reparations to victims and their families, to ensure autonomy

and impartiality of the TRC, to ensure victim and witness protection, to arrange in-camera or distance hearing, etc.

5. Take assistance from conflict experts, organizations representing victims' interest, human rights experts and other stakeholders on amnesty and other issues¹³

In February 2015, the Supreme Court of Nepal upheld its previous decisions on the case filed against the Truth and Reconciliation Act, 2014, and noted the following points:

- 1) The TRC cannot recommend amnesty to perpetrators of serious human rights violations before charging them and determining their crime. There cannot be amnesty in cases of serious human rights violations if the victims do not consent.
 - 2) Reconciliation should not be used as a means of amnesty in serious cases of human rights violations. And victim's consent is must.
 - 3) The commissions should follow the constitution, international law, human rights instruments, principles of justice and past Supreme Court verdicts to guide its work.
 - 4) The judiciary shall decide whether the conflict-era cases that are under the consideration of the regular court system should be handed over to the TRC and CID. No cases under the jurisdiction of court may be handed over to any other institution for final decisions.
2. Since 2009, the process of forming the TJ commissions was delayed and became gradually politicized. In January 2014, the Supreme Court of Nepal issued a decision in order to make new legislation for TJ and the two commissions so they would be compliant with international standards. In February 2015, the Supreme Court of Nepal upheld its previous decisions and ruled out that the commissions should work in compliance with international and national laws. **UNDP and the UN Regional County Office have methodically facilitated the victims' groups to develop a common platform** that an overwhelming number of groups can support in order to pursue advocacy, capacity development and programming for a victim-centric TJ process. UNDP and the UN Regional County Office have engaged and

¹³ 069-WS-0057 – Rephrased and summarized decision of the Supreme Court of Nepal, 2 January 2014

provided technical support to the victims' platform to engage with the TRC and the CID and ensure that both TJ commissions' work is victim-centric.

Lessons learned

1. Because the CPA required the establishment of TJ commissions, the development of a strategy to holistically deal with the TJ process was skipped, leading to **an incomplete and fragmented approach towards TJ that should be avoided**.
2. Limiting the TJ discourse and focusing heavily on amnesty and prosecution delayed the work on other elements of the TJ process. In particular, **victims themselves were not consulted on their needs**, something important in a context where victims' needs vary significantly particularly with respect to their socio-economic circumstances.
3. Building the understanding and networking of conflict victims has the **challenge of adopting methods that foster common ground** rather than lead to competition and polarization of victim groups.
4. Where the UN works heavily on building the understanding of rights holders on any issue, **governments may criticize it for raising expectations** and generating seemingly unmanageable demands.
5. The UN needs to constantly advocate for a TJ process that **addresses the root causes of the conflict. Where the TJ process is divorced from the drivers of conflict, cleavages in society remain and injure the overall development of the country**.
6. The **UN needs to advocate for an inclusive TJ process. In Nepal, survivors of conflict-related sexual violence and of torture risk being left out of the broader TJ processes due to lack of data and political will**.
7. It is critical to create a **common understanding of TJ in the country**, within government and among development partners, some of which agree to support the work of the TJ commissions, while others do not. **The establishment of the TJ TFC is an important step in the right direction**. In this complex context, the work of the UN centred on technical support and assistance to victims groups and civil society organizations can empower national actors and develop capacity to claim, exercise their rights and ensure that they are consulted at all stages of the TJ process.
8. **Raising awareness and understanding of local stakeholders, duty bearers and rights holders on TJ and related international standards is crucial**, particularly to dismantle myths around the TJ process and to ensure that TJ processes address root causes of conflict and meet the needs of the victims. In addition, linking rule-of-law initiatives and criminal justice systems' strengthening with TJ efforts, and efforts to build both, is

valuable, recognizing that the onus is on the criminal justice system to provide a legal remedy for victims of conflict.

9. In supporting civil society organizations, **care should be taken to assess the extent to which they represent the interests of victims** and to continuously expand participation of diverse conflict victims in a manner that is conflict-sensitive and that does no harm, fostering recognition of conflict victims' groups as legitimate stakeholders in the TJ process. In particular, consultations with victims of sexual violence and children should adopt appropriate measures to ensure that no harm is done.
10. **Working with victims' groups is a positive response and method for the UN to remain engaged in TJ despite in-country legal provisions that may be contrary to international law.** Support to TJ overall can still be provided through strengthening victims' groups, without engaging with the flawed institutions.
11. The Nepal case study highlights **the need for TJ processes to be relevant and adapted to the specific context** of the government and society.

This joint case study stems from UN agency initiatives, particularly from UNAIDS, working to create enabling social and legal environments for successful HIV responses. In two of the three cases (China and Fiji), results have been grounded on strong advocacy from the UN and have removed punitive HIV-related laws and policies. In the case of Guatemala, the initiative was established to increase access to justice for people living with and vulnerable to HIV; this project was developed over two years.

Abstract and background

In Fiji in 2010, the UNAIDS Pacific Office, in collaboration with other partners in the UN, civil society and government, were involved in the development of Fiji HIV Decree, which was finally promulgated in 2011. When the President of Fiji promulgated the Decree on behalf of the government, it was noticed that it contained elements that exacerbated HIV-related stigma and discrimination by creating restrictions on entry and stay based on HIV status alone. “HIV/AIDS is not a quarantinable disease for the purposes of the Quarantine Act (Cap. 112), but the right of the State to refuse entry to Fiji of a person suffering from HIV/AIDS who is not a Fiji citizen or a Fiji resident is preserved together with the discretion to the Minister responsible for Health to permit a short term stay on reasonable grounds.” UNAIDS provided technical advice and successfully recommended to drop this statement from the HIV Decree.

In Guangdong Province in China in January 2013, UNAIDS became aware of draft legislation issued by the Department of Education of Guangdong Province that stipulated that people living with HIV would not be eligible to serve as teachers in Guangdong. The UN responded quickly with other UN agencies to address the problem and the legislation was amended to remove the restrictions.

Guatemala’s legal framework and constitution protect individuals from discrimination. However, enforcement of the laws is weak, particularly for people living with HIV (PLHIV) and certain populations within Guatemala such as commercial sex workers, men who have sex with men, and transgender people. These groups are particularly vulnerable to violations of their human rights, which continue at unacceptable levels. Given the high number of human rights violations experienced by PLHIV and key populations, civil society partners and government face challenges in responding to their needs. In response, UNAIDS provided technical and financial support to establish a group of 50 lawyers – Professional Leaders – that is led by an

attorney experienced in giving legal support to civil society organizations; the programme provided *pro bono* legal services from November 2012 until October 2014. As a result of the increase in legal aid, 584 cases were recorded between December 2011 and December 2012, representing a 23 percent increase over 2011.

Implementation strategy

In China, as part of ongoing efforts of UNAIDS to address HIV-related discrimination, UNAIDS regularly monitors new laws and policies relating to HIV and provides input where appropriate. In January 2013, UNAIDS became aware of **draft legislation issued by the Department of Education of Guangdong Province that stipulated that people living with HIV would not be eligible to serve as teachers in Guangdong**. UNAIDS, together with UNESCO and ILO, quickly responded to this draft, **sending a formal letter to the Guangdong Bureau of Education and issuing a public statement regarding the proposed legislation, emphasizing the potential negative consequences of this legislation from a public health perspective and the effect that it would have in propagating discrimination**.

In Fiji, community and national consultations on the HIV Decree were held in the Northern, Central and Western Divisions of the country in 2010. UNAIDS Fiji hired a consultant to incorporate feedback from the partners, including UN agencies, regarding the HIV Decree. A series of advocacy meetings were arranged by the Fiji Ministry of Health, with support from UNAIDS and other partners. Seeing that the Decree posed serious human rights problems, UNAIDS, in consultation with other partners, advised the government to amend the Decree. **UNAIDS provided technical assistance to the government on how to ensure that all aspects of the HIV Decree would uphold the rights of people living with and vulnerable to HIV, with specific reference to how to eliminate HIV-related restrictions on entry, stay and residence. As a result of this process, the President of Fiji, at the 2011 International Congress on AIDS in Asia and the Pacific (ICAAP) held in Busan, Republic of Korea, formally announced that Fiji was lifting HIV-related restrictions on entry, stay and residence.**

In Guatemala in 2012, UNAIDS, in collaboration with the organization Professional Leaders/Action Foundation, established the Equal Access to Justice initiative. The initiative began when UNAIDS identified a lawyer who had helped civil society organizations acquire legal status. This attorney mobilized 50 lawyers who were willing to be trained in human rights and HIV and to provide *pro bono* legal services. Human rights trainings included sensitization to the realities of life for PLHIVs and members of certain populations; the sessions benefited from the participation of various civil society organizations and the National Human Rights

Ombudsman. Thus, Professional Leaders, which offers comprehensive services, including social work and psychological support, was born.

After training was implemented, UNAIDS facilitated the launch, with media presence, of the Equal Access to Justice initiative, which representing an agreement to collaborate among civil society, the Professional Leaders, the National Ombudsman for Human Rights and the Dean of Law School from the National University of San Carlos. Furthermore, a letter of agreement with the Legal Network and its Observatory on Human Rights of Key Populations and HIV^{14*} was signed; this provided a link to technical and financial support from UNDP, via an existing framework for referral and cooperation employed by both organizations. The Equal Access to Justice initiative builds on advances made by various partners in the national response, including civil society organizations, UN agencies (namely OHCHR, PAHO/WHO, UNFPA, UNDP) and other international organizations.

Progress and results

China

1. Following advocacy from UNAIDS, UNESCO and ILO, the Guangdong Province Bureau of Education issued **a final draft of the legislation, with the HIV-related restrictions removed**. The Guangdong Bureau of Education also issued a letter to UNAIDS, UNESCO and ILO indicating that the joint advocacy initiative was a key factor in the decision to remove the restrictions.
2. **This legislative shift marked an important step forward for efforts to eliminate discrimination against people living with HIV**, broadening the range of career opportunities available to people living with HIV in Guangdong, China's most populous province. In May 2013, UNAIDS issued a statement commending the legislative changes, which constitute an important example of progressive policymaking.

Fiji

1. **The HIV-related restrictions on entry, stay and residence were removed and mandatory testing for HIV for travellers to Fiji was abolished.**
2. Fiji is now seen as an exemplary **point of reference in the removal of HIV-related travel restrictions in the Pacific** and advice is often sought on how Fiji was able to do this. The speech of the President of Fiji at the Busan ICAAP was seen as an entry point

¹⁴ The Legal Network and its Observatory on Human Rights of Key Populations and HIV is a network composed of more than 25 civil society organizations across the country. The referral of cases from civil society and the National Ombudsman to Professional Leaders began in early 2014.

to ensure that Fijian laws uphold the human rights of people living with HIV. Indeed, since the Amendment Decree of 2011, Fiji has been the flag bearer for removal of HIV-related restrictions on entry, stay and residence in the Pacific.

Guatemala

Six training workshops were implemented during 2013 to strengthen the abilities of Professional Leaders, facilitated by the National Human Rights Ombudsman's Office, the National Diversity Network, UNAIDS, the National Legal Network and its Observatory on Human Rights of Key Populations and PLHIV, and OHCHR. An informal agreement was reached with the National Ombudsman's Office to encourage case referrals. A formal letter of agreement between Professional Leaders and the National Legal Network and its Observatory on Human Rights of Key Populations and PLHIV, outlining case referral procedures, was signed.

1. To date, the National Ombudsman and CS organizations have **referred 13 cases to Professional Leaders, five of which have been resolved with financial restitution to clients and eight of which are in the process of resolution.** As of October 2014, UNDP has come on board and is providing financing and technical assistance to the initiative.

Addressing HIV-related discrimination in the workplace

An integrated care unit in a private company informed the company's human resources department of an employee's HIV status. The director of the department divulged this information to other employees and, ultimately, management requested the resignation of the employee. Legal assistance offered by the Equal Access to Justice initiative resulted in a **settlement for 32,000 Quetzals; a requirement that the employer provide employees training about and sensitization to HIV; reinstate the employee; and provide references if the employee should seek employment elsewhere.**

2. The Equal Access to Justice initiative inspired and contributes to the measurement of one of the indicators in the United Nations Development Assistance Framework 2015-2019, providing a stimulus for the UN System and government partners to commit to increasing the reporting of human rights violations as well as the processing and resolution of cases.

China

1. **Joint efforts among UN agencies for supporting human rights issues should be further promoted.**
2. **Targeted advocacy from UN agencies can influence legislation** and align it with international standards.
3. UNAIDS and ILO are **working closely with the Ministry of Labour to remove restrictions preventing PLHIV from being public servants in China.**

Fiji

1. The President of Fiji played a key role in removing HIV-related travel and residency restrictions. **Having an influential and respected government leader** who believes in protecting the rights of people living with HIV **is an asset when developing** and passing **government policies.**
2. **Technical support provided by the UN** and its partners is **critically important in influencing policy change at country level.** The material provided by UNAIDS headquarters assisted in advocating for the lifting of HIV-related restrictions on entry, stay and residence.
3. As a Pacific country that has removed HIV-related travel restrictions, **Fiji is a good practice example** to other countries in the region – Tonga, Samoa, the Solomon Islands and the Republic of the Marshall Islands – that still have such restrictions.

Guatemala

1. A key to the success of this initiative has been the linking of different actors around a common goal. Identifying members of the private sector – in this case, **individual attorneys with a willingness to work with PLHIV and key populations – has proven invaluable to increasing the reporting of human rights violations and the provision of quality legal services.** As expressed by Julio Rodriguez, the leader of the initiative, “The Equal Access to Justice initiative demonstrates our commitment. For us, it is very important as it represents our social responsibility; we can help those who we know are the most marginalized in our society.”
2. Building on previous efforts of key actors has allowed for a greater synergy between implementers and projects geared to the defence of human rights. The national Legal Network and its Observatory on Human Rights of Key Populations and PLHIV, UN agencies (UNFPA, PNUD, OHCHR, PAHO/OMS), government partners and civil society organizations had previously laid the foundation for the exercise of human rights. The

Equal Access to Justice initiative builds upon this work and again brings together these actors **defend the human rights** of those who might not otherwise have the resources to do so themselves.

3. The Equal Access to Justice initiative can serve as a model for UN agencies that work in human rights. Where there is great impunity and particular populations face discrimination and thus restriction of their access to basic rights such as education, health and employment, **projects that bring together the expertise and passion of individuals and organizations committed to the defence of human rights have the capacity to fill existing gaps in government and civil society responses.**

The UN Joint Programme on Gender-Based Violence (GBV), with its well-structured approach and programme architecture, is an interesting example of having high potential for strong results. However, as it started only in 2013 and remains a work in progress, it is not presented as a full case study since validation of results cannot yet be undertaken. It nevertheless can inform similar GBV joint programmes.

Abstract and background

Zambia is a signatory to the international instruments on gender equality, including the CEDAW. In 2010, the UN Special Rapporteur on violence against women, its causes and consequences, visited Zambia and commended the country's efforts to establish a law that would deal with GBV. However, her recommendations indicated that the enactment of the Anti-Gender-Based Violence Bill should be accompanied by dedicated budget allocations for its effective implementation and by action plans to build the capacity of all relevant actors. The country enacted the Anti-Gender Based Violence Act in 2011. In July 2011, a combined 5th and 6th Periodic Zambia Country Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) was presented to the United Nations Committee on the Elimination of Discrimination against Women (49th Session, 11-29 July 2011). The Committee's Concluding Observations on Violence against Women, echoing the previous year's recommendations of the Special Rapporteur, noted that Zambia should prioritize and ensure adequate resources for the full implementation of the Anti-Gender-Based Violence Act (2011) and adopt comprehensive measures to address such violence. In this context, the UN in Zambia developed a joint programme involving the **ILO, IOM, UNICEF, UNFPA, UNDP and WHO to support the government in implementing the recommendations on violence against women contained in the CEDAW's concluding observations and to support institutional transformation to facilitate the implementation of the Anti-Gender-Based Violence Act.**

There are challenges and gaps in the provision of legal, protection, health and psychosocial services to survivors of GBV. Access to justice and protection is impeded by generalized impunity, limited numbers of shelters and insufficient legal representation. GBV survivors have little awareness of their rights and are constrained by economic dependency. Insufficient coordination among and inadequate capacities of service providers compound this.

Strategy and entry point

The UN launched the Joint Programme in mid-2013. The Programme has five components:

1. **Legal and policy review.** Reform, strengthening and implementation of relevant laws and policies to include measures at the broadest level to ensure that women/girl's rights are recognized and protected.
2. **Capacity development and service provision.** Capacity development is targeted at skills-building and learning, using a combination of trainings such as training of trainers and cross-sectoral training to provide a comprehensive and effective response to GBV. This strategy provides GBV survivors with immediate care, protection, relief and rehabilitation through a comprehensive package including expansion, renovation and improvement of the existing structures.
3. **Advocacy and communication.** These allow a cross-section of stakeholders to become aware of their legal and human rights and the impact of GBV. These include community mobilization programmes that are expected to change violence-related attitudes and behaviours and to promote more equitable relationships between men and women. This strategy also engages young men through men's networks and other forums to change harmful cultural attitudes.
4. **Research and data generation.** This strategy will streamline data collection and analysis for focus on 10 or fewer GBV categories to ensure that incidence data is recorded comprehensively and consistently. This strategy will also strengthen and support existing mechanisms for gathering, processing and sharing GBV statistics.
5. **Coordination, partnership and networking.** This component seeks to strengthen and harmonize relations and information sharing among the main implementing stakeholders. It will further strengthen referrals and collaboration between GBV service providers to reduce duplication of efforts and to minimize gaps and challenges.

Progress and results

1. In order to achieve the full **implementation of the Anti-Gender-Based Violence Law, the UN Joint Programme on Gender-Based Violence supported the development of rules of court.** Furthermore, the Programme has contributed greatly to the visibility and recognition of gender-based violence as a social, public and human rights issue among government ministries, NGOs and various public and private players in Zambia. As a result, the number of reported cases increased from 9,738 in 2012 to 10,217 in the last quarter of 2013 (source: Zambia Police Report on GBV Statistics).
2. At the national level, the key result is the **development of the Health Sector Strategy on Gender-Based Violence.** The establishment of Gender-Based Violence District Task Forces and health worker teams involved in gender-based violence management have disseminated better information about migration and gender-based violence and

coordinated the response to gender-based violence. Acknowledging that the achievement of reproductive rights is determined largely by gender equality and equity in the delivery of affordable and accessible services, the Joint Programme on gender-based violence in Luapula and the north-western provinces of Zambia have been working with the Provincial Medical Office and local civil society to implement a model that addresses gender-based violence as part of an essential sexual reproductive health package. The model is in line with the government's National Guidelines for the Multi-Disciplinary Management of Gender-Based Violence.

3. To **increase the network of support, 480 community-based care providers have been trained in community-based psychosocial care and support services** for gender-based violence survivors, while 60 community help desks were formed in three districts.
4. An important outcome of the anti-gender-based violence advocacy campaign, which was supported by the Programme, was the **judicial decision to explore the establishment of a Fast-Track Gender-Based Violence Court** within the criminal justice system. To this end, consultative works and institutional requirements have been gathered and are being translated into appropriate legislation.

Lessons learned

1. The CEDAW was the essential trigger for the Joint Programme, but the report from the 2010 visit of the UN Special Rapporteur on violence against women **was key in the development of the Programme's strategy.**
2. The Programme must **shift its focus to community-related interventions**, where the social, cultural and traditional issues that surround gender-based violence can be addressed.
3. **Women who have been in long-term relationships may themselves become perpetrators of violence** and, in some instances, kill their partners. Such cases have fallen off the radar because they are not treated as GBV cases. There is a need to document these and to **develop strategies to support such women, who, while in prison, are likely to be accompanied by their children.**
4. Future research on women who commit violent acts in response to having been abuses will provide information for developing strategies to support such women.

General findings from the case studies

4. International norms and standards are the bedrock of the UN's work at country level. They represent the UNCT's commitment and driving force for an integrated, people-centred approach to 'leave no one behind'. Human rights and gender equality are at the heart of all of the case studies presented, regardless of the target group concerned: men, women, children or all human beings. Whether it is the rights of women (Zambia, Albania), of indigenous people (Bolivia), of persons with disabilities (Moldova), of PLHIV (China/Fiji/Guatemala), of children (Yemen), or of all human beings regardless of gender, sex or age (Mozambique and Nepal), the commitment and concern for the defence of human rights are the foundation and cornerstone of the case studies. Each case study draws on different international legal instruments to support its approach: Zambia and Albania used the CEDAW as the entry point; Bolivia used the ILO conventions and UN Declaration on the Rights of Indigenous People; Moldova used the CRPD and recommendations of special procedures; Yemen used the CRC; Mozambique used the ILO recommendation on special protection floors; and Nepal, Fiji, China and Guatemala used relevant international standards to protect vulnerable groups from discrimination and exclusion.
5. Member States widely recognize the UN as an impartial and trusted partner. It has a role as international standard-setting body and as development partner for each Member State. The recognized political neutrality of the UN makes it often a more acceptable partner for government than other development actors. This strong comparative advantage of the UN System is sometimes insufficiently exploited in certain countries. The adoption of international standards is an aspiration for all member countries, yet it is sometimes difficult for them to accomplish it alone. The political neutrality of the UN and its commitment to applying these international standards are the reflection of its core values. Nevertheless, the UNCTs need to continue to be vocal and to advocate for these standards and values, as called for in the new UNDG guidance for RC on human rights.
6. The UN's international norms and standards are relevant and applicable in every country context, whether in development or post-conflict and transition. By integrating international normative standards into common programming, the UN

System can effectively support Member States in addressing the development needs of the poorest and most vulnerable segments of society, regardless of the country context, level of human development and geographical and cultural specificities. Using the human rights-based approach (HRBA) as an entry point for identifying programming priorities is demonstrably universally valid and applicable to any context. In some of the countries presented, such as Nepal, the UN country teams faced particularly complex and challenging situations in which it was critical to use and uphold international standards. These examples demonstrate that, even in volatile and potentially changing country contexts, the UN's international norms and standards set out the core principles that will guide the UN in defining its strategic priorities and actions.

Common approaches followed by UNCTs

The case studies show that strong national commitment, leadership and ownership are key to advancing the human rights agenda and improving the lives of the most vulnerable. Many countries aspire to live up to their commitments to international standards, but do not always have the necessary capacity or expertise to implement them. The UN, through the country teams, has accumulated experience in supporting national efforts and promoting wider and more inclusive processes by adopting five complementary strategies and approaches: 1) fostering legislative change; 2) leveraging UN human rights mechanisms; 3) targeted joint advocacy; 4) capacity development of duty bearers and rights holders; and 5) promoting inclusive national reform process, including participation of wider stakeholders.

1. Legislative change and alignment of national laws and policies with international norms and standards. The case studies show that a crucial entry point for the UN to integrate the normative and operational frameworks consists in conducting gap analyses of national legal frameworks against international standards. A robust national legal and policy framework is necessary to uphold human rights values and the UN has a clear comparative advantage in supporting governments to this end. In all of the countries featured in the case studies, the UN country teams have directly influenced or contributed to the development of national legislation or the implementation of international instruments to which the country has subscribed. Case studies also indicate that, when working at the policy and legislative levels, it is important to foster national and participatory dialogue between duty bearers and rights holders.

In addition, the review of the national legislation can be used as an opportunity for the UNCT to identify opportunities for integrated support to cross-cutting issues such as gender equality or inclusive development processes. In most cases, these assessments or gap analyses have been crucial for identifying capacity needs of rights holders and duty bearers for the implementation of international standards and thus to bringing together the UN System-wide response to complex issues.

One aspect that is not captured in the case studies and might require a longer period to be appraised is the degree of enforcement of legislation. Legislative change is a precondition for respect for universal values, but it is not necessarily sufficient to ensure that human rights are being adequately safeguarded (e.g., Guatemala, Yemen, etc.). The UN should therefore also seek to ensure that adequate monitoring and support are given to the implementation of national legislation, as laws that are not properly being enforced serve limited purpose and impunity is a key challenge in a number of situations. This requires a sustained advocacy campaign from the UN and a constant reminder of the country's obligations and commitments towards international standards; it also requires the long-term capacity development of critical national counterparts.

2. Several cases mention the importance of the work of UN human rights mechanisms – treaty bodies, special procedures, Universal Periodic Review and supervisory bodies of instruments under special agencies such as ILO Convention – that provided entry points for UN interventions (Moldova, Zambia) and created momentum to work together with governments and civil society on programmatic actions aimed at implementing international obligations or recommendations. National authorities see the UN System as a trusted partner and thus as capable of presenting ‘criticism as a friend’, i.e., by helping countries improve their human rights situations as a means toward greater international legitimacy and by the UN's ability to deliver development services.
3. Targeted joint advocacy is necessary to create awareness and champions for UN values and international commitments. This involves communicating, raising awareness and engaging with different stakeholders in the process of change. It can be effective in itself as a tool to bring about legislative change, as the case studies of Fiji and China (Guangdong) have demonstrated. As the Fiji case also shows, it is similarly necessary in order to find the champions within government and civil society who will be committed to the application of these values and will likewise advocate and act in their

constituencies to influence the necessary changes that will lead to application and respect for international human rights norms and standards.

4. Capacity development is meant to provide the tools and expertise to operationalize change. Sometimes, there is the willingness and commitment, but the technical skills and capacities to actually implement legislation are lacking. All case studies incorporate a capacity development component, as technical knowledge was essential to supporting processes for change. The challenge remains for the UN to define clearly what kind of capacity is being built, for what change and to what level, as capacity development is not an end in itself, but part of the process to achieve the anticipated results of the intervention strategy. The cases studies show that, when the UN comes together, it more effectively addresses the capacity needs of the different stakeholders (rights holders/duty bearers) so that they can be the agents of change. UN joint efforts on capacity development have been crucial to strengthening government policies and institutional capacities and to empowering those sectors of society that are traditionally the most vulnerable, such as women, indigenous people, youth, persons with disabilities, etc.
5. Some case studies have rightly included government and civil society in the development processes, as, in many cases, the UN has been able to bring government and civil society to the same table. This is important, as governments and civil society often do not have a common platform or the systems to communicate and to develop collaboration. In Mozambique, Yemen and Moldova, civil society was associated from the start, helping develop national ownership and commitment. Even in countries where there are difficulties in bringing government and civil society together, such as in Nepal (where the politicization of the transitional justice mechanisms has led the UN to concentrate its efforts on working with conflict victims to the detriment of the transitional justice structures themselves), it is important to maintain and communicate a clear position in line with fundamental international values and commitments to human rights (something that is being done in Nepal with the creation of the UN TJ Task Force). The case of Mozambique also demonstrates the potential of the UN facilitating South-South partnership in linking the normative and operational.

Key lessons learned from the case studies

1. The case studies demonstrate the importance of leadership in the UN System. Some case studies pay tribute to the leadership role played by the RC as a key element of

success. Having a RC with the strategic vision, commitment and leadership contributes immensely to the success of the strategy (as in Albania, Moldova and Nepal). In addition to the strong leadership role of the RC, a strong and committed UNCT – including the leadership of relevant normative agencies – is equally critical. As normative support of the UNCT increases, it becomes more important than ever for the RC and UNCT to act as One Leader.

2. Delivering together is key to relevance and results. The case studies highlight collaboration between two to six UN agencies. They also show that the UN's international norms and standards help to forge a common goal and vision so that every agency can contribute its best on the basis of its comparative advantage and area of competency. This indicates that joint programmes with a division of labour that recognizes the expertise and technical capacity of the agencies enable a more holistic and effective programming strategy. Some of the case studies are based on joint programmes, while others adopted less formal mechanisms for joint actions, such as the Yemen case study. Either way, all case studies recognize the value of joint actions; having a common framework and a clear structure enhances implementation and facilitates results. Interesting examples of how each agency can contribute to a specific outcome have been highlighted; the Moldova case study, for example, shows each UN agency taking the lead on selected articles of the CRPD.
3. Invisible drivers of success include communication and networking, social skills and sustained commitment. When addressing the human factor, various aspects create enabling conditions for the success of the case studies. Not all success drivers are technical or programmatic. However, these are largely not reported in the documentation, a fact that became clear from the Skype interviews with UNCT members and national counterparts that the author of this report held during the case study validation. Certain case studies stem from individual UN staff initiative and commitment rather than from a request for assistance from the government or civil society (e.g., Equal Access to Justice in Guatemala). In this context, in order to convince national partners of the need for a change, the UN must strongly advocate and raise awareness amongst its partners until national counterparts are supportive of the strategy. This requires sustained and vigorous communication skills, a good capacity for networking with national partners (and donors where possible), and a degree of persuasion to show that the changes will result in a 'win-win' situation for all stakeholders. While difficult to show and with little supportive evidence to sustain this point in this report, the lesson here is that human communication and social skills are

also key factors of success that need to be recognized and factored into the planning of strategic interventions.

4. Societal changes take time. The case studies also highlight the fact that changes require a long period in order to take effect, and no one should expect a 'Cinderella effect' from UN interventions (i.e., Member State turning into an international standard champion on the flip of the UN wand). Hence, there is a need for sustained long-term commitment from the UN. In Albania, CEDAW was ratified in 1993, but the country still needs assistance in implementing the recommendations, more than 20 years later. The efforts regarding social protection in Mozambique started 10 years ago. The work on transitional justice in Nepal started after the signing of the CPA in 2006 and, at the time of the case study submission, the two transitional justice commissions were still not functional. Changes of attitude and behaviour, such as those concerning gender equality, require a long time – indeed, generations – to take root. In other words, a single programme or intervention can be a good starting point to initiate changes, but it should be clear that some changes can only fully be appraised over the long term. The lesson here is that a sustained commitment from the UN is required and that the process should not be abandoned once the project's or programme's *pro forma* objectives have been completed. International norms and standards remain the driver to sustain the UN's commitment to its objectives after the conclusion of specific interventions. It can also be used to further extend to some specific aspects of the strategy that could not be fully implemented during the intervention itself (e.g., Bolivia).
5. Success in applying international norms and standards is not always entirely contingent on grand funding. For example, targeted advocacy in Fiji and China produced results at very low cost. Similarly, the UNIPP project in Bolivia was initially funded with a very small budget – US\$190,000 over two years, albeit with additional EU funding of over US\$1 million. In Moldova, the CRPD implementation project was US\$372,570 over two years for the four UN agencies. Financial resources are therefore not necessarily a precondition for the successful application of normative principles, especially if the entry points are strategic, thus making UN support clearly efficient in terms of value-for-money. Of course, sufficient, predictable and sustained funding will always remain indispensable for such work.
6. More efforts are needed to communicate and report UN results in normative and policy areas. As the UN moves increasingly away from service delivery and towards policy and normative support, it becomes more imperative for the UN to better

communicate results in these areas. The UN remains better at saying what it does than at what it achieves. To provide a more comprehensive vision of the UN's added value, the message of the operational value of the UN's international norms and standards needs to get out better. This requires 'telling the story' of what has been achieved and how.

The case studies show the diversity of the application of the UN's international norms and standards, ranging from quick and targeted advocacy leading to legislative change to sustained long-term programming over a decade. They offer valuable insights into how the UN's international norms and standards and core programming principles – particularly its human rights-based approach and promotion of gender equality – have helped Member States develop and implement more internationally compliant legislation and practice. Specifically, the strongest recipe for the successful integration of the UN's international norms and standards into its operational work at country level will include 1) an integrated, holistic vision combining advocacy, awareness-raising, capacity development, concrete demonstrative results, participation of all national stakeholders in an inclusive process and work at the policy and legislative levels to ensure that national legislation is fully compliant with international standards and 2) a dedicated UN team headed by a committed UN Resident Coordinator and supported by long-term leadership from regional offices and HQ. In addition, the communication skills and social networking capacities of the UN, while less tangible and quantifiable, are nevertheless crucial human factors worthy of consideration and planning at the inception of an activity.

In line with the post-2015 agenda and the SDGs, the UN's international norms and standards should remain the foundation of strategic UN programming. In a globalized world of increasing complexity, supporting Member States in applying international standards and being the guarantor of international norms are integral parts of the work of the UN System. Over time, this will increase the number of fully compliant Member States (i.e., with respect to the UN frameworks and legislation that they have approved) and empower civil societies in the spirit of respect for all human rights and their underlying core UN values.

With respect to the 2030 Agenda, the UN System will need to:

1. Ensure that UNCTs fully embrace human rights-based approaches to programming as the core of their work and use the UN Charter and the unique mandate of the UN regarding human rights as a source of comparative advantage.
2. Ensure common understanding, language and advocacy regarding international norms and standards. Not all agencies are equally focused on international norms and standards, and their understanding of the relevance of these norms and standards to their work may vary. Common messages from the principal actors regarding the

operationalization of international norms and standards would help to forge a common vision and commitment across UN agencies.

3. Develop strong leaders and staff – including national staff – across the UN System who can be agents for change and inspire governments and citizens to uphold the UN values; rally the UN System to support them.
4. Use the UN's international norms and standards to break down sectoral and organizational silos to achieve inter-agency integration.
5. Ensure long-term commitment and support to the core UN values beyond the period of a specific programme or the term of an individual RC or UNDAF programming framework. In order to ensure continuity, investment in capacity development of UN national staff and government and other national stakeholders with respect to the core values of the UN is critical.
6. Develop staff capacity and skills to advocate the fundamental values of the UN's international norms and standards. Strengthen system-wide knowledge management and sharing of thematic- and country-specific expertise, tools, experience and knowledge.
7. Build the evidence base for development frameworks based on the application of normative principles. Academic institutions and NGOs can have a valuable role in developing national capacities. Led by national demand and in coordination with governments, the UN development system should explore opportunities to connect academic institutions and NGOs, as such connections would improve the links between research, practical learning and innovation.
8. Ensure that UNDAF Results Groups and other relevant coordination mechanisms within UNCTs have normative and operational focus, capacity and policy support.
9. Strengthen regional UNDG teams' role in quality assurance, including with respect to the application of normative principles in development frameworks. The regional UNDG teams are important in ensuring the quality of UNDAFs anchored in the UN's normative mandates and standards. To do this, the regional UNDG teams can facilitate the sharing of expertise, information and capacities and ensure that UNCTs have access to the UN's normative expertise.

International human rights treaties		
Treaty	Treaty body	Number of State parties as of 17 August 2015
International Convention on the Elimination of All Forms of Racial Discrimination (1965) (ICERD)	Committee on the Elimination of Racial Discrimination (CERD)	177
International Covenant on Civil and Political Rights (1966) (ICCPR)	Human Rights Committee (CCPR)	168
Optional Protocol (1966)		115
Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (1989)		81
International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	164
Optional Protocol (2008)		21
Convention on the Elimination of All Forms of Discrimination against Women (1979) (CEDAW)	Committee on the Elimination of Discrimination against Women (CEDAW)	189
Optional Protocol (1999)		106
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (CAT)	Committee against Torture (CAT)	158
Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2002) (OPCAT)	Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)	79
Convention on the Rights of the Child (1989) (CRC)	Committee on the Rights of the Child (CRC)	195
Optional Protocol to the CRC on the involvement of children in armed conflict (2000)		159
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (2000)		169
Optional Protocol to the CRC on a communications procedure (2011)		17
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) (ICMW)	Committee on Migrant Workers (CMW)	48
Convention on the Rights of Persons with Disabilities (2006) (CRPD)	Committee on the Rights of Persons with Disabilities (CRPD)	157
Optional Protocol (2006)		86
International Convention for the Protection of All Persons from Enforced Disappearance (2006) (ICPED)	Committee on Enforced Disappearances (CED)	50

In addition to the International Bill of Rights and the core human rights treaties, there are many other universal instruments relating to human rights. A non-exhaustive selection is listed below.

WORLD CONFERENCE ON HUMAN RIGHTS AND MILLENNIUM ASSEMBLY

Vienna Declaration and Programme of Action

United Nations Millennium Declaration

THE RIGHT OF SELF-DETERMINATION

United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples

General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"

International Convention against the Recruitment, Use, Financing and Training of Mercenaries

RIGHTS OF INDIGENOUS PEOPLES AND MINORITIES

Declaration on the Rights of Indigenous Peoples

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

PREVENTION OF DISCRIMINATION

Equal Remuneration Convention, 1951 (No. 100)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)

Declaration on Race and Racial Prejudice

Convention against Discrimination in Education

Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

World Conference against Racism, 2001 (Durban Declaration and Programme of Action)

RIGHTS OF WOMEN

Beijing Declaration and Platform for Action

Agreed conclusions of the Commission on the Status of Women

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP)

Declaration on the Protection of Women and Children in Emergency and Armed Conflict

Declaration on the Elimination of Violence against Women

RIGHTS OF THE CHILD

Convention on the Rights of the Child (CRC)

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC)

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC)

Minimum Age Convention, 1973 (No. 138)

Worst Forms of Child Labour Convention, 1999 (No. 182)

RIGHTS OF OLDER PERSONS

United Nations Principles for Older Persons

RIGHTS OF PERSONS WITH DISABILITIES

Convention on the Rights of Persons with Disabilities

Optional Protocol to the Convention on the Rights of Persons with Disabilities

Declaration on the Rights of Mentally Retarded Persons

Declaration on the Rights of Disabled Persons

Principles for the protection of persons with mental illness and the improvement of mental health care

Standard Rules on the Equalization of Opportunities for Persons with Disabilities

HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: PROTECTION OF PERSONS SUBJECTED TO DETENTION OR IMPRISONMENT

Standard Minimum Rules for the Treatment of Prisoners

Basic Principles for the Treatment of Prisoners

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Safeguards guaranteeing protection of the rights of those facing the death penalty

Code of Conduct for Law Enforcement Officials

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)

Guidelines for Action on Children in the Criminal Justice System

United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Basic Principles on the Independence of the Judiciary

Basic Principles on the Role of Lawyers

Guidelines on the Role of Prosecutors

Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

Declaration on the Protection of All Persons from Enforced Disappearance

Basic Principles and Guidelines on the Right to a Remedy and Reparation

International Convention for the Protection of All Persons from Enforced Disappearance

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) - PDF

Updated Set of principles for the protection and promotion of human rights through action to combat impunity

SOCIAL WELFARE, PROGRESS AND DEVELOPMENT

Declaration on Social Progress and Development

Universal Declaration on the Eradication of Hunger and Malnutrition

Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind

Declaration on the Right of Peoples to Peace

Declaration on the Right to Development

Universal Declaration on the Human Genome and Human Rights

Universal Declaration on Cultural Diversity

PROMOTION AND PROTECTION OF HUMAN RIGHTS

Principles relating to the status of national institutions (The Paris Principles)

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

United Nations Declaration on Human Rights Education and Training

MARRIAGE

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

RIGHT TO HEALTH

Declaration of Commitment on HIV/AIDS

RIGHT TO WORK AND TO FAIR CONDITIONS OF EMPLOYMENT

Employment Policy Convention, 1964 (No. 122)

FREEDOM OF ASSOCIATION

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

SLAVERY, SLAVERY-LIKE PRACTICES AND FORCED LABOUR

Slavery Convention

Protocol amending the Slavery Convention signed at Geneva on 25 September 1926

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105)

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

RIGHTS OF MIGRANTS

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW)

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

NATIONALITY, STATELESSNESS, ASYLUM AND REFUGEES

Convention on the Reduction of Statelessness

Convention relating to the Status of Stateless Persons

Convention relating to the Status of Refugees

Protocol relating to the Status of Refugees

Declaration on the Human Rights of Individuals who are not nationals of the country in which they live

WAR CRIMES AND CRIMES AGAINST HUMANITY, INCLUDING GENOCIDE

Convention on the Prevention and Punishment of the Crime of Genocide

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity

Statute of the International Tribunal for the Former Yugoslavia

Statute of the International Tribunal for Rwanda

Rome Statute of the International Criminal Court

HUMANITARIAN LAW

Geneva Convention relative to the Treatment of Prisoners of War

Geneva Convention relative to the Protection of Civilian Persons in Time of War

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

Also available:

Ratifications and Reservations

Status of ratifications and signatures of human rights instruments

CD Compilation of International instruments - Universal instruments

Conventions, Declarations and Other Instruments found in General Assembly Resolutions
(since 1946)