Following-up on the Universal Periodic Review in South America

Mainstreaming Human Rights
The Universal Periodic Review (UPR) is probably one of the most innovative United Nations human rights mechanisms, whose dynamic nature stresses international cooperation. The UPR offers a unique opportunity for the UN Member States to identify their human rights priorities, and to make and work on pledges within a clear time framework.

Moreover, the UPR is senseless without the meaningful engagement of all relevant social actors at the country level, who are fundamental in ensuring the effective enjoyment of human rights.

Such principles of participation, international cooperation and coordination of efforts inspired us to launch in 2012 an initiative to support South American countries in the follow-up of their UPR commitments, and ultimately to help them comply with their human rights obligations.

Through the following pages, we invite you to see how the UPR recommendations can go beyond words and become a reality. You will also witness the many results achieved by the UPR Regional Project in a short time, showing that political willingness, commitment and joint work make transformations possible.

In spite of remarkable efforts and the progress made, it is undeniable that South America has numerous pending issues in terms of human rights. However, such challenges are possible to overcome, and the UPR project has proven to be a key ally for that purpose.

For that reason, it is crucial that the UPR Project can continue building bridges among the different stakeholders at the national and international levels, to help them strengthen their legal frameworks, institutions and public policies for human rights protection from an inclusive approach.

Argentina, Brazil, Chile, Ecuador, Peru and Uruguay are giving a good example to the world, showing that the region is open to change and learn from others. And OHCHR will continue accompanying their human rights efforts and assisting them in consolidating the progress already achieved. Together, we can make it possible.

Amerigo Incalcaterra
Regional Representative for South America
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Understanding the UPR: Information for empowerment

Brazil is part of most UN human rights treaties and has incorporated most of its international commitments in both legislation and policies. However, the 170 recommendations received during its second UPR in 2012 provide a good example of the many challenges faced by the country to improve its human rights situation.

Following a thorough analysis on the UPR recommendations, the Regional Project was launched in Brazil in 2014 with the main goal of raising awareness on the UPR among relevant stakeholders. This strategy was adopted in order to promote a better understanding of the international human rights commitments made by the State, as well as to increasingly engage with different stakeholders for their implementation.

In concrete terms, the UPR Project has facilitated numerous activities to share information on the recommendations accepted by Brazil. Some 500 State officials and NGO representatives from different regions of the country have attended the 16 workshops conducted by the UPR advisor up to June 2015. Such events have enabled participants to learn more about the UN human rights system and to feel increasingly empowered regarding their key role on the follow-up and implementation of the UPR recommendations.

Another priority of the UPR Project in Brazil is mainstreaming human rights within the UN System. Thanks to a close cooperation with the Resident Coordinator’s Office, OHCHR South America is an active member of the UN Country Team and has contributed to incorporate a human rights-based approach into the ongoing elaboration of a new UN Development Assistance Framework (UNDAF). In addition, OHCHR has successfully advocated for the incorporation of UPR recommendations as specific goals into the work plans of at least two UN inter-agency groups.

The UPR advisor has also provided technical assistance for inter-sector public initiatives such as the UN “Free and Equal” campaign aiming at tackling discrimination on the basis of sexual orientation and gender identity. Joining efforts from federal and local government offices, civil society groups, UN agencies and celebrity endorsers, the “Free and Equal” campaign achieved significant success in Brazil.

The UN System is extremely satisfied with the implementation of the UPR Project in Brazil. The advisor has been crucial to mainstream human rights in our work and promote the engagement of all agencies, funds and programmes in the construction of a human rights culture. This has been a very successful initiative, providing us with a renewed source of technical knowledge and of legitimacy to continue striving to be a force for good in Brazil.

*Jorge Chediek is the UN Resident Coordinator and UNDP Resident Representative in Brazil

UPR Project in Brazil

A force for good in Brazil

by Jorge Chediek*

Human rights are an important part of the UN mandate, and of course a crucial element to be addressed when it comes to promoting development. In this context, the UPR Project has provided strong support for mainstreaming human rights recommendations into our planning, as well as for ensuring that the UN System in Brazil puts “human rights up front”, according to the mandate of the Secretary-General.

Training sessions for UN staff conducted by the human rights advisor were among the first activities carried out by the UPR Project in Brazil, helping us to update UN officials about the overall human rights situation in Brazil, as well as about international standards and recommendations made by UN mechanisms to the country.

In addition, the UPR Project participates actively in several UN inter-agency groups, ensuring that their work plans include a human rights-based approach. The work of the human rights advisor has also provided us with technical assistance to publicly express our views as UN System and in a coherent manner, regarding different human rights situations.

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*Jorge Chediek is the UN Resident Coordinator and UNDP Resident Representative in Brazil

UPR Voices

“We believe that the UPR mechanism is important for Brazil because it promotes inter-ministerial dialogue regarding human rights policies, not only among specific human rights offices but also with ministries that do not always engage in the national human rights debate”.

Fernanda Lapa, Coordinator of the Human Rights and Development Institute (IDDH).
Ecuador received 64 recommendations during its second UPR, in 2012, most of them related to freedom of expression, association and participation, development and environment, administration of justice and the rights of indigenous peoples, among other issues.

In addition, the country voluntarily committed to implement an information tracking system on international human rights recommendations. As a result, SIDERECHOS came to light on 10 December 2014, International Human Rights Day.

SIDERECHOS is a user-friendly research engine containing national and international human rights standards, as well as State and alternative reports submitted to different UN human rights bodies since 1971. It was developed by the Ecuadorian government with technical and financial support from OHCHR. Although SIDERECHOS was designed as an information tool for policymakers, lawmakers and judiciary staff, it has been positively appraised also by teachers, students, NGOs, human rights advocates, journalists and researchers.

Through the Regional Project, OHCHR has contributed to strengthen local capacities in terms of the follow-up of UPR recommendations, by facilitating training sessions on international standards and regional meetings for the sharing of best practices for human rights advocacy.

For that purpose, the UPR Project in Ecuador has been in permanent contact with the Government officials and civil society groups that are of relevance for the promotion of human rights. Moreover, it has had a privileged role in the cooperation established between OHCHR and the Union of South American Nations (UNASUR), as the UNASUR offices are located in the country.

OHCHR also supports the UN Country Team to fulfil its mandate of “delivering as one”, as instructed by the General Assembly to ensure coherence throughout the UN System. From that standing, having a UPR advisor in Ecuador has helped the UN Office to identify planned or ongoing human rights initiatives, as well as situations where UN action is needed, from a regional perspective.

In sum, the UPR Project has enabled the different human rights actors in Ecuador to participate in an inclusive network where all stakeholders can benefit from each other’s experiences and lessons learned.

A common effort for mutual benefit

* Tania Arias is Legal Director at UNASUR

The role of the UPR in mainstreaming human rights in UNASUR

Based on an understanding between Mr. Ernesto Samper, Secretary General of the Union of South American Nations (UNASUR) and Mr. Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights, UNASUR has begun an strategic alliance with OHCHR.

We see South America as a region that has recently contributed with innovative understandings of human rights and development. Therefore, in a joint effort to open spaces for human rights-based dialogues on regional priorities, both organizations are currently developing a methodological framework for human rights mainstreaming in UNASUR.

In order to promote further south-south cooperation, a first step included a high-level regional seminar, in September 2015 in Quito, Ecuador, on the human rights mainstreaming in UNASUR. This seminar benefited from the expertise of several regional experts on human rights advocacy.

In this context, the analysis of the Universal Periodic Review (UPR) recommendations for the South American countries has allowed us to identify common challenges and different solutions, as well as to understand the specific human rights context of each UNASUR Member State. The peer review nature of the UPR mechanism makes its recommendations a tool to guide our efforts and initiatives towards strategic issues, in order to strengthen our regional integration.

* Tania Arias is Legal Director at UNASUR

“In Ecuador, we have developed an online system called SIDERECHOS, which allows us to elaborate all State reports in coordination with the different ministries involved. It is also a repository compiling different international reports, observations, rulings, etc. In addition, SIDERECHOS works as a search engine that provides information not only on constitutional rights, but also on those international human rights instruments ratified by the Ecuadorian State”.

Nadia Ruiz, General Coordinator of Inter-institutional promotion at the Ministry of Foreign Affairs and Human Mobility of Ecuador
The “UPR culture” at UN Argentina

by René Mauricio Valdés*

The promotion and protection of human rights are guiding principles of the United Nations, according to the UN Charter. As UN staff members, we need to keep this in mind in our daily work, regardless of our area of expertise.

In this context, the UPR Regional Project has enabled the UN System in Argentina to have a more integrated and unified approach to human rights, in line with the Secretary-General’s initiative “Human Rights up front” – which seeks to ensure a coordinated UN response to grave human rights and humanitarian crisis.

The UN System in Argentina has committed to mainstreaming the human rights-based approach (HRBA) in the different activities of its Agencies, Funds and Programmes, as well as in the development of the new 2016-2020 UN Development Programme (UNDAF) with the Government.

For that purpose, the Resident Coordinator’s Office (RCO) has been working on positioning the topic in the UN agenda, as well as in promoting an inter-agency UPR culture so that the promotion of human rights is a priority for our work.

In this regard, the UPR Project has been essential in our efforts to provide a human rights framework for coherence and joint action inside the UN System.

The UPR Project has also helped us to strengthen partnerships and create new ones with different stakeholders that have benefited from the cooperation and capacity-building activities of the UPR Project. Such partnerships are the cornerstone of the best and most powerful engine to promote human rights: team work.

* René Mauricio Valdés is the Resident Coordinator of the United Nations Country Team in Argentina.

Photo: Tucumán Ombuds Office

The UPR: a model for a national mechanism in Argentina

Argentina received 119 recommendations and made 8 voluntary pledges during its second UPR process, in 2012, on issues such as gender, human trafficking, immigration, prison conditions and the right to health. Most of the federal government offices participated in the drafting of the national report, and in 2014, Argentina voluntarily submitted its UPR mid-term report on the progress made to implement the accepted recommendations.

The country has actively engaged in the UPR and has shown willingness to cooperate with the UN Country Team to follow-up and implement its recommendations and commitments. And the UPR Regional Project has been a key tool to move beyond good intentions and make them a reality.

For example, the country created a dynamic inter-institutional Group made up of State officials from different ministries, members of the National Human Rights Council and representatives of the UN Country Team. The Inter-institutional Group meets periodically to define general guidelines for joint activities regarding the UPR recommendations, with a special focus on previously defined thematic priorities.

But the impact of the UPR in Argentina does not only restrict to recommendations. Its participative nature has been so attractive that authorities created their own national periodic review, so that the different provinces unite to promote human rights throughout the country. This is how the National Periodic Reporting System (SIPEN) was born.

With the support of the UPR Project, SIPEN has become a consultation, coordination and advisory forum for public policies on human rights, both at the national and local levels. SIPEN is a unique initiative to promote a sense of shared responsibility in the promotion of human rights.

In addition, the UPR Project has provided technical assistance to Congress, in order to promote the implementation of specific UPR recommendations, such as the ratification of the Third Optional Protocol to the Convention on the Rights of the Child in April 2015.

The UPR Project has also been a close ally of the UN Country Team, the Ombuds Office and civil society groups in Argentina, to help mainstreaming the human rights-based approach in their everyday work, as well as to promote new opportunities for capacity building and cooperation among all of them. As a result, many organizations and the Ombuds Office were able to submit their UPR mid-term reports.

UPR Voices

"The National Senate’s Human Rights Observatory is working closely with the OHCHR Regional Office for South America to highlight the Universal Periodic Review and its importance for lawmakers. The UPR has enabled us to analyze the progress made and pending challenges regarding human rights in Argentina. The cooperation with OHCHR within the UPR Project has also allowed the Human Rights Observatory to increasingly promote its own activities and goals at the legislative level”.

Elena Corregido, Senator. Director of the National Senate’s Human Rights Observatory in Argentina
The United Nations has created different mechanisms to monitor the compliance of States with their international human rights obligations.

One of those mechanisms is the Universal Periodic Review (UPR). Established in 2006 under the umbrella of the Human Rights Council, it involves all 193 Member States to assess the measures adopted by a given country in order to ensure human rights.

“The UPR seeks to improve human rights and the fulfilment of the State's commitments by providing guidance for States to define their short- and long-term priorities, as well as to facilitate cooperation and the sharing of best practices among countries in order to strengthen their human rights laws, institutions and policies”, said Ms. Shahrzad Tadjbakhsh, chief of the UPR Branch at the UN High Commissioner for Human Rights (OHCHR).

Countries go through the UPR every four and a half years, on the grounds of information provided by the State, by other stakeholders and by a variety of UN bodies. On that basis, representatives from different States raise questions and make recommendations to the examined country.

“Currently, countries are undergoing the second cycle of the UPR. The first cycle ended in 2011, with a 100% of participation by the UN Member States”, Ms. Tadjbakhsh stressed.

The UPR Regional Project is a joint initiative of the OHCHR Regional Office for South America and the UN Country Teams in the region, supported by the UPR Voluntary Fund for Financial and Technical Assistance and the OHCHR UPR Branch in Geneva. It is under implementation in Argentina, Brazil, Chile, Ecuador, Peru and Uruguay.

Thanks to the cooperation of different UN Offices, there are technical UPR Advisors working in each country, under the guidance of the OHCHR Regional Office for South America.

“The Project engages with all actors involved in the follow-up of the UPR recommendations, such as the State, NHRI, civil society groups and the UN System in our countries of coverage”, stated the OHCHR Deputy Regional Representative, Mr. Humberto Henderson.

Through different activities, the UPR Regional Project is supporting the establishment of inter-institutional mechanisms to report and follow-up on recommendations from international human rights mechanisms, as well as the development of human rights action plans at the national level."
The UPR Regional Project also assists different stakeholders to create their own tracking systems of the UPR recommendations, as well as to promote regional cooperation for that purpose. In addition, the Project supports the UN Offices in each country to increasingly mainstream human rights within their activities.

“We work with several local actors who are strongly committed to promote the implementation of the UPR recommendations”, Mr. Henderson said. “Ultimately, we strive to support them in such a challenge and to help them coordinate efforts in order to enhance the overall human rights situation in the region”, he added.
Setting a new human rights agenda

In 2014, Uruguay appeared before the UN Human Rights Council to have its human rights records assessed. It was the second UPR for the country.

The high-level Uruguayan delegation made up of representatives from the government, Congress, the Judiciary, the National Human Rights Institution and other relevant actors, received 187 recommendations and assumed 44 voluntary pledges.

This international event that took place thousands of miles away from Uruguay, in Geneva, would be the start for a completely new human rights agenda.

Back home, the Uruguayan authorities had to find out how to follow-up on and implement the UPR recommendations. Soon after that, authorities clearly understood that the help of all human rights actors was needed to overcome that challenge.

The Regional Project has consistently supported the State in this endeavour, through the work of the UPR advisor and the UN Resident Coordinator’s Office in Uruguay. The Project advocated with the government to promote activities for engaging all relevant counterparts with the process of following-up on the UPR recommendations, as a basis to find agreed and concrete solutions to specific human rights matters.

The inter-institutional working group is contributing to set a new human rights agenda in Uruguay

As a result, the Ministry of Foreign Affairs and the Presidency’s Human Rights Secretariat launched a series of information initiatives to raise awareness on the UPR recommendations. For example, the government facilitated several workshops about the UPR for different audiences, including lawmakers, justice operators, NGOs and the NHRI. Such initiatives contributed to empower different human rights stakeholders and to increase their commitment with the implementation of the UPR recommendations.

A concrete outcome of such interaction is the creation in 2014 of an inter-institutional working group to follow-up on the UPR recommendations, organized in a three-part structure: Civil Society-State-National Human Rights Institutions and other relevant actors.

In April 2015, the group clustered all UPR recommendations in 14 thematic categories, whose follow-up is under responsibility of a thematic task force.

The working group is contributing to set a new human rights agenda in Uruguay, based on the UPR recommendations. In addition, the inputs that emerged from this working group are being incorporated to the mid-term UPR report that the State will submit to the UN Human Rights Council in 2015.

UPR Voices

“The Universal Periodic Review –which in essence translates into a set of recommendations accepted by States—provides a platform to promote dialogue regarding human rights issues. In turn, such dialogues result in key inputs for the design of public policies.”

“In Uruguay, the UPR recommendations work as a roadmap for several social actors and institutions involved in human rights. Without setting aside other programmatic instruments or plans, the recommendations are considered a very effective agenda for action.”

“Civil society organizations have a key role to play in the UPR process so as to make State accountability possible to international screening. In Uruguay, the UPR process has been of great impact. It has promoted and enhanced dialogues, exchanges and discussions among State and civil society organizations, a needed starting point for substantive transformations. On the other hand, this exercise has also had a positive effect among civil society organizations, since it has opened new possibilities for action and articulation of efforts.”

“A challenge posed by the UPR is that the evaluation, implementation and follow-up on the recommendations require the commitment of all State branches (including at the local level), at all times accompanied by the civil society.”

*Alejandra Umpiérrez, Amnesty International - Uruguay

*Alejandra Costa is Director of Human Rights Law and Humanitarian Law at the Ministry of Foreign Affairs in Uruguay.
In 2014, Chile went through the second cycle of the Universal Periodic Review. The country received 185 recommendations and accepted 180 of them, most of which refer to indigenous peoples’ rights, women’s rights, children’s rights, security, justice, prisons, the rule of law and education.

The OHCHR’s Regional UPR Project supports the State of Chile at different levels. One of its most valuable contributions—which is highly appreciated by the offices dealing with the UPR—is the sharing of experiences and best practices with neighbouring countries in terms of the systematization of international human rights recommendations.

Bearing in mind the different backgrounds, opportunities and difficulties faced by each country, the UPR Project has strived to promote cooperation among States with similar challenges and institutional frameworks, which has helped us to better identify our specific needs and adapt the existing mechanisms to our particular requirements.

The OHCHR Regional Office for South America has facilitated numerous international meetings with equivalent counterparts from other Governments, which has been very helpful and enriching. Probably one of the greatest advantages of such regional meetings is the opportunity to strengthen ties with fellow State officials from other countries, encouraging all of us to continue exploring new approaches to international human rights cooperation.

Jaime Godoy is the Head of the Universal Department at the Human Rights Direction of the Ministry of Foreign Affairs of Chile.

“UPR Project in Chile”

Chile’s UPR cycle coincided with the preparation of the 2015-2018 United Nations Development Framework (UNDAF). Based on the UPR recommendations accepted by the country, the Regional Project supported the elaboration of each UNDAF national development priority, to help mainstreaming human rights throughout all UN initiatives in Chile. As a result, the new UNDAF includes UPR recommendations as clear goals and performance indicators.

In addition, the UPR Project developed two charts organizing all recommendations made by different UN human rights mechanisms to Chile, proposing concrete actions for their implementation. Such charts were presented to the Government, civil society groups and the United Nations Country Team in different workshops facilitated by the UPR Advisor and OHCHR South America. All stakeholders have considered the charts as extremely helpful tools, and have been elaborating similar instruments for the clustering and follow-up of international human rights recommendations that are of relevance for their work.

The Government of Chile has also engaged in the numerous regional workshops organized by the UPR Project for the exchange of best practices among representatives from different States, regarding different strategies and tools for the follow-up of UPR recommendations.

Thanks to these initiatives, the Chilean Government has shown great interest in developing their own mechanisms for the follow-up and implementation of the UPR recommendations. As an example, the Ministry of Foreign Affairs has started elaborating indicators based on observations made by the UN Human Rights Committee, and is planning to do the same with the UPR recommendations in the near future.

UPR Voices

“Incorporating the UPR recommendations to Chile’s United Nations Development Assistance Framework for 2015-2018 was a very positive step towards mainstreaming human rights in our activities”.

Antonio Molpeceres
UN Resident Coordinator in Chile

UPR follow-up in Chile

Picking the best from international experience
A road map for human rights action

Peru’s latest UPR review took place in 2012. The elaboration of the State report was led by the Ministry of Justice, which at the time was experiencing a key transformation: the creation of a Vice Ministry for Human Rights.

In that sense, the “new” Ministry of Justice and Human Rights persisted in promoting a highly participative process to prepare for the UPR. For example, every public office involved had a focal point to identify, systematize and produce reports on the main achievements and challenges for the government. Moreover, the role of Peru’s National Human Rights Council (an inter-institution initiative to oversee human rights measures) helped to ensure that civil society engaged in the process as observers.

On that basis, a high-level Peruvian delegation received 129 recommendations and accepted 114 of them during the UPR, meaning that the country had plenty of work to do in order to implement such commitments within a 4 year and a half period.

Peru’s government took this assignment very seriously. The Justice and Human Rights Ministry assumed the coordination of the follow-up on human rights recommendations and decided to adopt measures to strengthen the country’s monitoring capacity. But at that point, some international help was needed.

Thanks to a continued dialogue at the higher political levels, the UPR Project provided information to Peru regarding different follow-up mechanisms. OHCHR also facilitated international experience-sharing workshops with Colombia, Ecuador and Paraguay (as they had already developed their own tracking methods). In the end, Peru created an Online Follow-up System on international human rights recommendations.

In addition, and under the advice of the UPR Project, the Peruvian government included the implementation of the UPR recommendations as one specific goal of its recently adopted National Human Rights Plan, using the UPR as a road map for the design of public policies on human rights.

Civil society groups have also engaged actively with the UPR, including it as part of their own short- and long-term work. High-profile NGOs have carried out activities to analyze their own performance and the challenges for their articulation to promote the UPR.

With support from the Regional Project, they also facilitated meetings with State actors and human rights organizations about the compliance with the UPR recommendations on torture and the adoption of a national preventive mechanism, among other activities.

Three years after the review, Peru has created mechanisms to monitor and implement the UPR recommendations. The challenge is now to strengthen ties with public and private institutions, with State officials and citizens, to continue building capacity for the promotion of human rights, in order to fight discrimination and ultimately to improve the lives of all Peruvians.

Peru’s latest UPR review in 2012 was a dynamic evaluation led by the Ministry of Justice and Human Rights, which afterwards posed the challenge of guaranteeing its adequate follow-up and implementation. The Peruvian government therefore created an online tracking system on international human rights recommendations, and included the UPR in the newly adopted National Human Rights Action Plan.

Such mechanisms are part of a broader strategy seeking to shift from the common understanding of human rights—often related to a specific period of political violence in the country—to a more inclusive concept. This strategy specially focuses on vulnerable groups such as women and LGBTI people, and is based on a strong commitment to tackling discrimination and putting human dignity upfront.

The support of OHCHR through the UPR advisor has been essential for the government’s strategy, providing comprehensive technical assistance for the articulation with key national and international stakeholders.

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“UPR Project in Perú”

“An inclusive human rights strategy based on dignity”
by Roger Rodriguez*

*Roger Rodriguez is an academic and former Human Rights Director at Peru’s Human Rights Vice Ministry

“UPR Voices”

“The UPR is an extremely valuable UN mechanism to promote and defend human rights, enabling the Human Rights Council to assess whether the State is adequately implementing its international obligations and adopting concrete measures to guarantee their enforcement. National Human Rights Institutions and particularly Ombuds Offices have found in the UPR a key tool for the promotion and protection of human rights”.

Eduardo Vega, Ombudsman of Peru
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OHCHR South America

Address: Av. Dag Hammarskjöld 3269, Vitacura, Santiago - Chile.
Phone: (56 2) 2210-2970
Email: ohchr-santiago@ohchr.org

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