

Statement by Marc Limon, Executive Director, Universal Rights Group  
During Human Rights Council panel debate on capacity-building and  
technical cooperation (item 10)

Tuesday 20<sup>th</sup> June 2017

Thank you Mr. Chair.

Mr. Chair,

The central importance of the Council's mandate, as set down in GA resolution 60/251, to provide 'advisory services, technical assistance and capacity-building ... in consultation with and with the consent of Member States concerned,' is, I believe, self-evident.

For many developing countries, especially Least Developed Countries (LDCs) and Small Island Developing States (SIDS), the task of engaging, in a meaningful way, with the Council and its mechanisms, and of implementing and reporting on hundreds of recommendations each year, is extremely challenging – if not impossible – in the absence of international support. That in turn places question marks over the ability of States to realize the 2030 Agenda for Sustainable Development and implement the SDGs 'leaving no one behind.'

And yet, eleven years after this body's establishment, and notwithstanding some important advances and achievements – such as, *inter alia*, the establishment of the Council Trust Fund for LDCs and SIDS, the establishment of numerous Independent Expert mandates, and a recent PRST mobilizing support for strengthened domestic implementation in Haiti - there are nonetheless significant question marks over the degree to which the Council and the wider UN human rights pillar are delivering on this vital mandate.

There are, I would argue, a number of reasons for this, including a growing propensity, on the part of some States to use agenda item 10 to address situations that should be more correctly dealt with under item 4; and a persistent belief, on the part of some States, as well as many NGOs, that item 10 is little more than a fig leaf used to hide the real problem: namely the lack of political will to comply with international human rights obligations.

However, in my opinion, the principal reason why the realization of the Council's capacity-building and technical assistance mandate has too often fallen short is that States have given insufficient thought to the actual mechanics of delivery under item 10.

Mr. Chair,

With this in mind, I will use the remainder of the short time available to me today to offer some thoughts as to how the Council might strengthen the delivery of domestic capacity-building support in the future – how it might, especially as we look ahead to the next review of the Council due to start in 2021, reset and revitalize item 10.

Mr. Chair,

Any such reform exercise must, I would argue, be based on seven key principles – all based on relevant paragraphs of GA resolution 60/251.

First, capacity-building and technical assistance must be provided in consultation with, and with the consent of, the country concerned.

Second, the delivery of support must be based on the needs of the country concerned, as voluntarily expressed by that country – and not imposed by the Council based on its own reading of the situation.

Third, capacity-building and technical support must be premised on promoting the full implementation of human rights obligations undertaken by States. In this regard, the establishment, in a number of countries, of national mechanisms for implementation, reporting and follow-up (NMIRF), offers important opportunities for the more targeted and effective delivery capacity-building support.

Fourth, the means of delivering support under item 10 must be based on the principles of cooperation and genuine dialogue. Such cooperation and dialogue must be inclusive, covering governments; human rights mechanisms; OHCHR, UNDP and other relevant UN agencies and programs; bilateral and multilateral development partners; regional organizations; national human rights institutions; and civil society. In the case of governments, efforts should be made to involve officials from domestic line ministries and practitioners, in addition to diplomats.

Fifth, capacity-building and technical assistance should be understood in an expansive sense – to also include the exchange of experience, good practice, success and achievement; obstacles to further progress; and lessons learnt. Importantly, this should include South-South and South-North, as well as North-South, cooperation.

Sixth, the Council's work under item 10 must be results-orientated and allow for subsequent follow-up – thereby allowing the country concerned, OHCHR and relevant development partners, as well as domestic civil society, to report back and comment on progress and impact.

And seventh, building domestic capacity also means building domestic resilience to contribute towards the prevention of human rights violations.

Mr. Chair,

With these principles in mind, if it is to renew and reinvigorate item 10, the Council will need to construct a space wherein States, including but not limited to developing States, have the confidence to meaningfully engage in order to:

1. Provide information to their peers on domestic efforts to implement international human rights recommendations: to present, and engage in a dialogue on, its achievements, challenges faced, and obstacles to further progress.
2. Provide information on important implementation gaps or domestic institutional weaknesses that should be addressed in order to *prevent* human rights violations.
3. Exchange good practices and lessons learnt.
4. Voluntarily request international capacity building and technical support and have a realistic chance of receiving a response from OHCHR, UNDP, bilateral donors, or other development partners.
5. Report back, after a given period of time, on progress – was the State concerned, with international support, able to strengthen the implementation of its international obligations?

In my opinion, it will be very difficult to build such a space here in Room XX during regular sessions of the Council. There is simply insufficient time and, moreover, the formal nature of regular sessions, with their reliance on prepared statements, is not conducive to meaningful exchange.

The Council should, therefore, give serious consideration to using inter-sessional periods to convene, through a Council resolution, a **voluntary annual platform for human rights dialogue, capacity building and resilience**.

This might be, for example, a one or two day meeting, organized according to different themes or groups of rights, and that would aim to match capacity-building and technical assistance needs and requests with available international support.

If successful, such voluntary platforms could also be held regionally – as local communities of practice.

Such a step would send a clear signal of the Council's capacity to reform and improve; of its commitment to identifying simple, practical solutions to evolving challenges; of its determination to strengthen the delivery of key pillars of its mandate including capacity-building, domestic implementation, and the prevention of violations; and of its resolve to improve the promotion and protection of all human rights, for everyone, everywhere.

Thank you.