



JUNE
2023

‘A DIAMOND IN THE ROUGH’

HOW TO STRENGTHEN THE HUMAN RIGHTS COUNCIL'S DELIVERY OF TECHNICAL ASSISTANCE & CAPACITY-BUILDING SUPPORT (ITEM 10 REFORM)

Marc Limon

Policy Brief



UNIVERSAL RIGHTS GROUP

TABLE OF CONTENTS

INTRODUCTION	5
2017 HUMAN RIGHTS COUNCIL STRENGTHENING CONFERENCE	9
THE GENERAL ASSEMBLY’S 2021-2026 REVIEW OF THE COUNCIL	11
SIXTH GLION HUMAN RIGHTS DIALOGUE	13
THE PREVENTION OF HUMAN RIGHTS CRISES	14
NORWAY-SINGAPORE PILOT ‘CAPACITY-BUILDING SUPPORT FORUM’	17
INTERSESSIONAL MEETING ON THE REFORM OF ITEM 10	21
NEXT STEPS	25

INTRODUCTION

GA resolution 60/251 establishing the Human Rights Council and setting out its mandate recognises the primary responsibility of States to promote and protect human rights.¹ However, the General Assembly also recognised that the Council and the wider UN have an important role to play in ‘strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings.’

With paragraph 5a of resolution 60/251, the General Assembly therefore decided that the Council should promote ‘advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member States concerned.’

This mandate is the basis of the Council’s work under agenda item 10 ‘Technical assistance and capacity-building.’ Although this is the last of the Council’s ten agenda items, it is unarguably one of the most important, crucial to the body’s credibility and utility, especially for developing country delegations, and for its effectiveness – its ability to strengthen the enjoyment of human rights around the world and make a real difference to the lives of rights-holders.

For many developing States, 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,’ as well as to prevent human rights crises and conflict.

Yet the Council’s work under agenda item 10 is without doubt a ‘diamond in the rough’ – and one very much in need of polishing. The Council, like the Commission on Human Rights before it, has never really identified satisfactory modalities to provide ‘advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member States concerned,’ [emphasis added]. Instead, it has simply continued the former Commission’s practice of establishing country-specific Independent Expert (Special Procedures) mandates for a limited number of States, usually States that are emerging from an internal conflict or that have experienced a natural disaster. Under this traditional approach, the Independent Expert travels to the country concerned (once a year) to assess the human rights situation and (in theory) the State’s capacity-building needs, and then reports back to the Council with recommendations for the State concerned and (again, in theory) for the UN human rights system / international community.

¹ United Nations General Assembly, Resolution 60/251 Human Rights Council, A/RES/60/251, 2006, available at: https://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251_en.pdf



States did not undertake a critical assessment of this pre-existing methodology during the Council’s institution-building negotiations in 2006-2007, and nor did they consider alternative approaches. Consequently, Council resolution 5/1,² adopting the institution-building package (IBP) – which established how the Council should function – fails to include any provisions explaining how the body should deliver on its capacity-building mandate under paragraph 5a of resolution 60/251. Indeed, the IBP’s only mention of capacity-building is in the sections dealing with the Universal Periodic Review (UPR) and the Confidential Communications Procedure. Nor did members rectify this omission during the body’s five-year review in 2011³ (beyond an important proposal to establish a new trust fund for the participation of LDCs and SIDS)⁴. In short, States have never given serious consideration – or even discussed – how best to deliver on the Council’s technical assistance and capacity-building mandate under General Assembly resolution 60/251.

Notwithstanding this institutional neglect, some individual States and civil society organisations have regularly drawn attention to the failings of the current approach and called upon the Council to reconsider, reform, and revitalise its work under agenda item 10.

For example, as far back as June 2017, during a Council panel debate on revitalising item 10 (convened under a Thai-led resolution on technical assistance and capacity-building),⁵ Marc Limon, Executive Director of the Universal Rights Group (URG), and author of this paper, set out the problem:

‘Eleven years after this body’s establishment,’ he said, ‘and notwithstanding some important advances and achievements – such as, inter alia, the establishment of the Council Trust Fund for LDCs and SIDS [...] – 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.’

He went on to argue that there are 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 other (especially Western)

2 Human Rights Council, Resolution 5/1 Institution-building of the United Nations Human Rights Council, A/HRC/RES/5/1, 2007, available at: https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc

3 Human Rights Council review, available at: <https://www.ohchr.org/en/hr-bodies/hrc/hrc-review>

4 Human Rights Council, Resolution 16/21 Review of the work and functioning of the Human Rights Council, A/HRC/RES/16/21, 2011, available at: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G11/126/78/PDF/G1112678.pdf?OpenElement>

5 Statements from the debate are available at: <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/35thSession/Pages/Statements.aspx?SessionId=14&MeetingDate=20/06/2017%2000%3a00%3a00>

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 on the part of some States to comply with their international human rights obligations.

However, he went on, ‘the principal reason why the realisation 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.’

As noted briefly above, to-date, the ‘mechanics’ or the process through which the Council has endeavoured to fulfil its mandate under agenda item 10 have been as follows:

1. Where a country-specific human rights situation is sufficiently grave but where the commission of violations does not appear to be a deliberate policy on the part of the concerned government (in which case the Council would normally take actions under agenda items 2 or 4) – for example, where a country has suffered a natural disaster or a civil war – the Council may adopt an item 10 resolution expressing the international community’s concern and pledging to help. This is nearly always with the consent of the country concerned. Between its 1st and 51st sessions (up to the end of 2022), the Council expressed concern in this manner on 155 occasions about the situations in 22 countries (though some of those situations, for example Georgia and Ukraine, should more correctly have been tabled under items 2 or 4 as they involved foreign aggression and/or illegal occupation).⁶ Of those country situations, twelve are members of the African Group, seven of the Asia-Pacific Group, two of the Eastern European Group, and one of the Latin American and Caribbean Group. Somalia has been the focus of most item 10 resolutions (19), followed by the Democratic Republic of Congo (18), Yemen (13), Central African Republic, Libya, and Sudan (11 texts each), Haiti (10), Cambodia and Mali (9), and Côte d’Ivoire (7).
2. To further assess the situation on-the-ground and identify the capacity-building needs of the

6 Further information can be found under the ‘Item 10’ filter: <https://www.universal-rights.org/human-rights/human-rights-resolutions-portal/>

country concerned, the Council resolution will usually establish a particular type of Special Procedures mandate – a country-specific Independent Expert – to undertake a mission.

3. After conducting this one-person one-week mission (even to countries that size of, say, the Democratic Republic of Congo), the Independent Expert presents a report to the Council on the situation and providing recommendations to the State concerned, as well as to international partners (e.g., UN Country Teams), (in practice, the reports are usually heavy on the former and light on the latter).
4. One year later (should the mandate be renewed), the Independent Expert conducts a follow-up mission to again assess the human rights situation and (in principle) review progress with the implementation of previous recommendations. In practice there is usually little progress to report back to the Council, as

there is usually little in the way of follow-up by the UN system or by donor States, and the State concerned alone usually lacks the capacity to implement the recommendations directed to it. This has meant that some Independent Experts have continued to undertake visits for years, even decades (the Independent Expert mandate on Haiti existed for over 20 years) – each year presenting much the same report to the Council.

Marc Limon went on to provide thoughts on how the Council might strengthen the delivery of domestic capacity-building support in the future – how it might ‘reset and revitalize item 10.’

He argued that any reform process must be based on seven key principles – all based on relevant paragraphs of GA resolution 60/251 (see Box 1).

BOX 1

1. Capacity-building and technical assistance must be provided in consultation with, and with the consent of, the country concerned.
2. 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.
3. Capacity-building and technical support must be premised on promoting the full implementation of human rights obligations undertaken by States.
4. 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 programmes; bilateral and multilateral development partners; regional organizations; national human rights institutions; and civil society.
5. 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.
6. 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.
7. Building domestic capacity also means building domestic resilience to contribute towards the prevention of human rights violations.

With these principles in mind, he proposed that the Council ‘construct a space wherein States, including but not limited to developing States, have the confidence to meaningfully engage,’ in order to:

- 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.
- Provide information on important implementation gaps or domestic institutional weaknesses that should be addressed in order to prevent human rights violations.
- Exchange good practices and lessons learnt.
- 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.
- 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?

Regarding the nature of that space, he argued against using 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, organised 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.

“ *Where a country-specific human rights situation is sufficiently grave but where the commission of violations does not appear to be a deliberate policy on the part of the concerned government (in which case the Council would normally take actions under agenda items 2 or 4) – for example, where a country has suffered a natural disaster or a civil war – the Council may adopt an item 10 resolution expressing the international community’s concern and pledging to help.* ”

2017 HUMAN RIGHTS COUNCIL STRENGTHENING CONFERENCE

On 1 December 2017, some of these concerns and ideas came to the fore once again during a conference in Geneva on ‘Human Rights Council strengthening,’⁷ during which current, incoming, and past members of the Council were invited to come together in an informal setting to discuss ways to further improve the efficiency and effectiveness of the Council.

The purpose of the conference was to provide a platform for structured, cross-regional discussions exploring ways to build on the Council’s relevance and impact in promoting human rights worldwide. Around 120 State representatives, as well as UN officials and NGO representatives took part in the debate.

One of the conference’s segments focused on ‘strengthening the delivery of capacity building and technical support (item 10).’

During the discussions, several speakers repeated Marc Limon’s criticisms from six months earlier, arguing that,

⁷ Organised by the Permanent Missions of Latvia, Mexico, the Netherlands, Rwanda, and the United Kingdom with the support of the Universal Rights Group.

to-date, the Council has largely failed to deliver on its capacity building and technical support mandate. Participants suggested that this has happened for three main reasons.

First, where States’ human rights situations are considered by the Council, it is usually to monitor and draw attention to violations. This has perhaps served to discourage States from voluntarily raising their domestic human rights challenges in the Council.

Second, even where the Council does act under agenda item 10 (i.e., by establishing a country Independent Expert mandate), it is still principally focused on responding to serious violations (often in post-conflict countries) – it is just that the nature of the response is different (i.e., providing technical assistance rather than condemning the country concerned or establishing accountability mechanisms). Even then, according to one speaker, ‘the main focus of the Independent Expert’s work is still monitoring and reporting back to the Council on the human rights situation in the country.’⁸

⁸ Universal Rights Group, *Human Rights Council strengthening conference, 2017*, available at: https://www.universal-rights.org/wp-content/uploads/2018/01/Report_Strengthening-conference_2017_final_edit_spread-1.pdf



Third, and linked with the second point, it was suggested that ‘where OHCHR is asked to provide capacity-building and technical support, they also include monitoring.’ Another speaker said that this is a consequence of OHCHR’s multi-dimensional mandate: ‘it is expected to simultaneously act as secretariat to the Council and its mechanisms, to independently monitor human rights violations around the world, and to deliver human rights technical assistance to States.’

According to many, the Council’s work under item 10 has, over the past ten years, ‘lost its way.’ The Council should work ‘by providing space for States to voluntarily exchange information on good practice, lessons learnt, achievements and challenges – i.e., to promote dialogue and cooperation on human rights.’

One very visible and worrying consequence of the alleged failure of States to fulfil the Council’s ‘item 10 mandate,’ or even to reflect on how to best deliver on that mandate, is that ‘situations of serious human rights violations, which should be addressed under item 4, are now routinely brought to the Council’s attention under item 10.’

Participants went on to extend various proposals on how to improve the Council’s work under agenda item 10:

- It was suggested that ‘item 10 needs to be reformed to provide a ‘safe space’ wherein all States have the trust and the confidence to update their peers on progress with implementation, on challenges, difficulties, and shortfalls, on good practice and lessons learnt, and on evolving capacity-building and technical needs.’
- Moreover, ‘item 10 should work for and be open to all States (developed and developing), not just for States facing very serious human rights situations.’ One speaker argued that item 10 should be seen as a ‘universal agenda item,’ accessible to all. Another agreed, calling item 10 ‘the keystone of the Council’s effectiveness – vital for both implementation and prevention.’

- There was a concrete proposal to establish, through a resolution, a new type of ‘item 10 platform’ – for example, ‘an annual voluntary platform for human rights dialogue, capacity building and resilience.’ It was argued that this would have a number of advantages. First, it would play to the Council’s strengths – i.e., as a forum for cooperation and dialogue. Second, it would be voluntary and therefore, by definition, consensual and country led. Third, by providing a space for States to report back on progress with implementation, it would allow the international community to measure impact, and thus strengthen the Council’s credibility. Fourth, it would encourage the replication of good practice and a ‘race to the top.’ Fifth it would allow for a discussion on human rights resilience – i.e., stage one of prevention. And finally, it would offer a ‘one-stop-shop’ where all States might request international capacity-building and technical support – without recourse to a resolution.’
- Engaging national-level policymakers and ‘practitioners’ in the work of such a platform was identified as important. One participant said such platforms should be seen as ‘communities of practice’ and could be convened at regional level as well as in Geneva.
- In the same spirit, several officials noted the importance of ensuring that any new space or platform at the Council should also involve other relevant UN agencies and programmes (e.g., UNDP, UNICEF) as well as bilateral development partners.
- It was noted that, at the moment, Council decisions to provide technical assistance to States are implemented by OHCHR. Notwithstanding, the resource constraints faced by OHCHR make it important to consider other means of delivering capacity-building and technical assistance – for example, an ‘item 10 roster of experts,’ perhaps backed by a new item 10 trust fund.

THE GENERAL ASSEMBLY’S 2021-2026 REVIEW OF THE COUNCIL

Just over one year later, in January 2019, Switzerland and URG presented a policy brief entitled ‘Vision 2021: What is the General Assembly’s 2021-2026 review, and how might the Human Rights Council usefully contribute?’⁹ The report *inter alia* analysed the Council’s performance in fulfilling the different parts of its mandate, and proposed that such a ‘self-reflection’ exercise should form the principal basis of the Council’s contribution to the General Assembly’s review.

Regarding ‘item 10,’ the policy brief noted that ‘twelve years after the Council’s establishment, some critics have questioned the degree to which the Council has been able to deliver on this mandate. They point out that nearly all of the Council’s work in the area of technical assistance and capacity-building (under agenda item 10) has been focused on providing support (usually through the establishment of Independent Expert mandates) to a small number of particularly fragile or at-risk developing countries (e.g., States in post-conflict situations). Moreover, according to critics, these Experts are generally tasked with assessing a country’s capacity-building needs, rather than responding to those needs.’

With this in mind, Switzerland and URG proposed that any possible future process of Council self-reflection should consider several key questions, including:

- What are the mechanisms at the Council’s disposal to deliver advisory services, technical assistance, and capacity-building support at national level to those States that request it? Are Independent Experts a delivery mechanism for such support, or a means of assessing the human rights capacity challenges and needs of States?
- What is the process a State needs to follow if it wishes to request international technical assistance or capacity-building support via the Council?

- Are all States that so-wish able to access technical assistance and capacity-building support via the Council?
- How can the provision of technical assistance and capacity-building support be linked with the implementation of recommendations received under the Council’s mechanisms (UPR and Special Procedures)?
- Should the Council consider new on-the-ground delivery mechanisms?
- Is there a need to consider new processes or platforms at the Council wherein all States might voluntarily request international technical assistance and capacity-building support, as well as provide updates on progress?
- What is the relationship between technical assistance provided via the Council’s agenda item 10, and assistance provided by OHCHR?
- How can the fulfilment of the Council’s mandate under paragraph 5a of General Assembly resolution 60/251 be linked with other potential providers of human rights capacity-building support, including UNDP and UN Country Teams, multilateral development institutions, and bilateral donors?

“Regarding ‘item 10,’ the policy brief noted that ‘twelve years after the Council’s establishment, some critics have questioned the degree to which the Council has been able to deliver on this mandate.’”

⁹ Universal Rights Group, *Vision 2021: What is the General Assembly’s 2021-2026 review, and how might the Human Rights Council usefully contribute?*, 2019, available at: https://www.universal-rights.org/wp-content/uploads/2019/02/vision_2021_2018_v15.pdf

SIXTH GLION HUMAN RIGHTS DIALOGUE

Many of these same themes and questions were raised a few months later at the sixth Glion Human Rights Dialogue (entitled 'Perspectives on the future of the Human Rights Council'), a high-level retreat in Switzerland for senior human rights policymakers. During the retreat, participants made several proposals to strengthen the Council's work under agenda item 10, including some that built on ideas raised in the context of the 2017 Council strengthening conference.

One was to reflect further on the possibility of establishing 'a regular space under item 10 (or item 5) wherein States could voluntarily provide updates on progress with the implementation of certain clusters of recommendations from Special Procedures and the UPR, as well as voluntarily request international technical assistance. Providers of such assistance (UN agencies and programmes, bilateral donors, or developing countries for South-South cooperation) would be in the room to hear and respond to such requests.'¹⁰

¹⁰ Universal Rights Group, *Glion Human Rights Dialogue 2019: Towards 2026 – Perspectives on the future of the Human Rights Council*, 2019, available at: <https://www.universal-rights.org/wp-content/uploads/2019/09/Glion-VI-page-by-page.pdf>



VI Glion Human Rights Dialogue 2019.

Photo by URG

Such a voluntary approach, it was argued, would help 'remove the stigma that is currently attached to receiving support under item 10 and would boost national ownership.'

One participant argued that there are basically three groups of States at the Council: a relatively small group of countries with generally good human rights records, at one end of the spectrum; a relatively small group of countries with serious human rights challenges yet little political will to acknowledge or address those challenges, at the other end; and a large group of countries in between these two poles – countries with human rights challenges yet which have the political will to pursue improvements. 'Unfortunately, the Council has always neglected this 'middle' group. There is no space on the agenda for them to report on and discuss progress, share good practices and lessons learnt, or request international support for deeper implementation and progress.'

THE PREVENTION OF HUMAN RIGHTS CRISES

In 2020, States began work at the Council on another aspect of the body's mandate that had long gone neglected: its mandate under paragraph 5f of General Assembly resolution 60/251 to 'contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies.'

A key argument of the core group (initially Colombia, Norway, Sierra Leone, and Switzerland, with Uruguay later replacing Colombia) was that human rights capacity-building support, facilitated by the Council, is critical, not only for the promotion of human rights but also as the basis of, or 'anchor' for, 'primary' or 'upstream' prevention – i.e., building national resilience to prevent violations and, ultimately, crises and conflicts. What is more, it was argued, to invest in this way in 'upstream prevention' would be highly cost-effective, saving the UN billions of dollars in peacekeeping operations and in post-conflict reconstruction.

In February 2020, URG published a policy report called 'The Prevention Council: The business case for placing human rights at the heart of the UN's prevention agenda.'¹¹

The report argued that 'preventing violations from occurring in the first place means, in essence, working with all States, through cooperation and dialogue, to build national human rights capacity and resilience [...] It is clear that the Council is – in principle – perfectly placed to play a central role in this area, both in its own regard but also in conjunction with the 2030 Agenda and the on-going reform of the UN's development system.'

The key to fulfilling the Council's primary prevention role, URG stated, would be to better follow-up on and support the national implementation of States' international human rights obligations and commitments. In addition to a greater focus on the global human rights 'implementation agenda' (i.e. how to promote the domestic implementation, by States, of the recommendations they receive from the Treaty Bodies, UPR and Special Procedures, and to link those efforts to complementary national strategies to implement the 2030 Agenda), 'this will require fresh thinking

¹¹ Universal Rights Group, *The Prevention Council: The business case for placing human rights at the heart of the UN's prevention agenda*, 2020, available at: https://www.universal-rights.org/wp-content/uploads/2020/02/Web_prevention_final_spread.pdf

about how to create a 'safe space' for cooperation and dialogue under item 10 of the Council's agenda.'

With this in mind, one of the report's recommendations was to establish a new 'voluntary annual platform for human rights dialogue, capacity-building and resilience, under item 10 of the Council's agenda.'

A few months later, at the 43rd session of the Council, a group of three rapporteurs presented their overview of consultations (A/HRC/43/37) on the contribution of the Human Rights Council to the prevention of human rights violations, as requested under Council resolution 38/18.¹² The rapporteurs drew a number of conclusions relevant to item 10 reform:

- The implementation of accepted recommendations from the UPR, and recommendations from Special Procedures and human rights Treaty Bodies contribute to the prevention of human rights violations. 'However, a large number of these recommendations have not been implemented. One main reason given for this situation is the sheer number of recommendations, and States' limited technical capacity and resources to implement them. While the responsibility to implement human rights recommendations must be State-owned, the international community, and specifically the Council, should support States in their implementation efforts and their quest to prevent human rights violations. States have sought support from OHCHR, and whenever possible such support has been provided and has proven vital. The resources available to OHCHR for technical cooperation and capacity-building, however, have been insufficient to match the need.'
- A number of initiatives have been taken in recent years in order to enhance the capacity of States to implement recommendations. This has included an initiative to assist States in the establishment of national mechanisms

¹² Human Rights Council, *Overview of consultations on the contribution of the Human Rights Council to the prevention of human rights violations Report of the rapporteurs*, 2020, A/HRC/43/37, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/008/10/PDF/G2000810.pdf?OpenElement>

for implementation, reporting and follow-up (NMIRFs). Another initiative, led by Norway and Singapore (see below), proposes a voluntary platform for dialogue and cooperation on human rights capacity-building and technical co-operation, under agenda item 10 of the Council's agenda. Such a platform would provide a space for States to report on the progress achieved in implementing recommendations, provide information on shortfalls or barriers to further progress, and request international capacity-building and technical assistance to help them overcome such barriers. It will also provide a space for recipients of international support for human rights capacity-building and technical assistance to report back regularly to their international partners and give them an opportunity to document good practices.

- 'The creation of a mechanism combining all the existing efforts and initiatives to enhance the implementation of human rights recommendations would be invaluable.' The rapporteurs therefore recommended that the Council set up a 'human rights recommendations implementation facility,' to be administered by OHCHR. States could seek support to assess their specific needs and to identify possible partners to help them meet those needs, including through the development and delivery of assistance and support for capacity-building. 'Furthermore, the facility would use the proposed voluntary platform for dialogue and cooperation on human rights capacity-building and technical cooperation to enhance dialogue and cooperation for the implementation of human rights recommendations under agenda item 10.' The facility would operate 'under the guidance of a governance structure, consisting of an advisory committee composed of one member from each region. Such a committee would draw up application procedures for assistance by the facility, develop detailed criteria for assistance and screen all requests.'

At the following September session of the Council (45th session), members adopted resolution 45/31 to take forward some of the proposals extended by the group of rapporteurs.¹³

¹³ Human Rights Council, Resolution 45/31 The contribution of the Human Rights Council to the prevention of human rights violations, 2020, A/HRC/RES/45/31, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/265/17/PDF/G2026517.pdf?OpenElement>

With the resolution, the Council recognised 'that the bulk of preventive work, including when technical assistance is provided by the international community, takes place at the national level, on the initiative and under the direction of national authorities, through the implementation of the State's international human rights obligations and commitments, inter alia through the work of national mechanisms for implementation, reporting and follow-up,' and acknowledged 'that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing, and that both serve to build national resilience.'

In operative paragraph 4, the Council then requested the Secretary-General 'to prepare a report analysing the current system-wide delivery and financing of, and existing gaps in, technical assistance and capacity-building that support the implementation by States of their international human rights obligations and commitments, and provided upon the request, in consultation with and with the consent of the State concerned, and to make recommendations in order to improve and scale-up the system-wide delivery and financing of technical assistance and capacity-building in the field of human rights with a view to building national resilience.' In other words, the resolution requested that the report address two points related to capacity-building and technical assistance: to improve the system-wide delivery of such assistance, including under agenda item 10, and to scale-up UN financing for such support.

The report of the Secretary-General (A/HRC/49/68) was duly presented to the 49th session in March 2022.¹⁴

According to the report, a 'broader understanding of resilience reflects the idea of "upstream prevention" outlined in the report of the rapporteurs appointed pursuant to Human Rights Council resolution 38/18.'

The report recalled that in 'The highest aspiration: a call to action for human rights,' launched in February 2020,¹⁵ the UN Secretary-General stressed the correlation between a society's enjoyment of and commitment to human rights and its resilience to crisis. The same approach can be found in his report entitled 'Our Common Agenda,'¹⁶ which the General Assembly welcomed in November 2021. In both a call to action for human rights and 'Our Common

¹⁴ Human Rights Council, Current system-wide delivery and financing of, and existing gaps in, technical assistance and capacity-building that support the implementation by States of their international human rights obligations and commitments, Report of the Secretary-General, 2022, A/HRC/49/68, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/248/85/PDF/G2224885.pdf?OpenElement>

¹⁵ United Nations, The Highest Aspiration: A Call to Action for Human Rights, 2020, available at: https://www.un.org/peacebuilding/sites/www.un.org/peacebuilding/files/documents/2020_sg_call_to_action_for_hr_the_highest_aspiration.pdf

¹⁶ United Nations General Assembly, Our Common Agenda: Report of the Secretary General, 2021, A/75/982, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/217/01/PDF/N2121701.pdf?OpenElement>

Agenda,' human rights are presented as problem-solving tools and as reference points for the design and delivery of UN programmes, development assistance and crisis prevention initiatives.'

Importantly, the report stated that 'human rights technical assistance and capacity-building programmes are key to building resilience.'

Looking at existing support, the report noted that 'adequate human resources and dedicated expertise are critical in designing human rights technical assistance and capacity-building programmes and ensuring their implementation.' One of the ways of increasing this capacity, in addition to OHCHR country offices, regional offices and

human rights components of peace missions, 'has been the deployment of human rights advisers in UN country teams with the support of the Human Rights Mainstreaming Fund and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.' Notwithstanding, while the report's analysis of existing capacity-building support focuses to a significant degree on the role of OHCHR, as well as other parts of the UN secretariat, it largely ignored the intergovernmental role of the Council, and its agenda item 10.

Regarding funding, the report noted that 'the regular budget submission for OHCHR for 2022 amounts to \$109.9 million, representing just over 3 per cent of the total United Nations regular budget' (though it has since increased slightly).



Secretary General Antonio Guterres meets with youth representatives in Bangui, Central African Republic.
UN Photo/Eskinder Debebe

With regard to extrabudgetary resources, the report noted that voluntary contributions represented around 62 per cent of the overall OHCHR budget in 2021 'and were insufficient to respond to all requests for technical assistance and capacity-building.' In addition, 'OHCHR received only around 68 per cent of the total funds requested under the combined regular budget and extrabudgetary contributions for technical cooperation and capacity-building activities in 2021.' It was thus unable to respond to all requests for assistance and needs identified in its annual appeal for 2021. 'Greater financial support is therefore needed from Member States and other donors for OHCHR to meet all demands for technical cooperation and capacity-building in 2022 and beyond.'

Moving to conclusions and recommendations, the report rightly (and in a way that was indirectly critical of the existing Independent Expert approach), stated that 'above all, adequate expertise is necessary on the ground to develop efficient human rights technical assistance and capacity-building activities.' However, again, rather than focusing on Council action under item 10, the report's recommendations focused on 'OHCHR regional and country presences, to deploy human rights advisers in UN country teams, to increase other resources critical to building national resilience, including expertise in the field of all human rights, human rights indicators and data analysis, and human rights officers to assist States in implementing recommendations from human rights mechanisms.'

With the above in mind, the report recommended that States:

- Advocate for an increase in the level of financial support provided to the UN human rights pillar through regular contributions;
- Further support OHCHR technical assistance and capacity-building programmes through additional contributions to ensure that OHCHR is in a position to respond to the requests for assistance identified in its annual appeals; and
- Further support the deployment of human rights advisers in UN Country Teams through additional contributions to the Human Rights Mainstreaming Fund and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

However, in a potentially significant development (if properly seized), the last recommendation urged States to:

- Further reflect on how to increase support for technical assistance and capacity-building activities to implement recommendations from human rights mechanisms, notably under item 10 of the Human Rights Council agenda.

NORWAY-SINGAPORE PILOT 'CAPACITY-BUILDING SUPPORT FORUM'

To take forward one of the aforementioned ideas for the reform of the Council's work under agenda item 10, namely the creation of an 'item 10 platform' or 'an annual voluntary platform for human rights dialogue, capacity building and resilience,' in February 2020, just before the outbreak of the COVID-19 health pandemic, Norway and Singapore convened a pilot 'capacity-building support forum.' The meeting, convened at the Permanent Mission of Singapore under the co-chairmanship of the Permanent Representatives of Singapore and Norway, aimed to provide an open, voluntary space, wherein States might present information on their human rights achievements and challenges, highlight areas where they would benefit from capacity-building and technical assistance, and match those 'requests' with 'offers' from other States, including both developed and developing countries (i.e. South-South cooperation), together with UN agencies and programmes. It was the stated intention of the sponsors that one year later those partners (i.e., 'request-offer' pairings) would return to the forum to provide an update on progress in follow-up and implementation.

25 States participated in the pilot forum, along with OHCHR. A total of seven States made requests, and five States extended offers of support.

During an introductory session, participants raised several important points about capacity-building support at the Council:

- To successfully reform item 10 will require 'a reshaping of mindsets and practices surrounding the provision of human rights technical assistance and capacity-building.' In a context in which human rights can often be politicised, with the result that 'the Council is usually seen as a space where States talk about others rather than themselves,' the organisers expressed their hope to construct a safe space that might encourage States to speak of their own human rights achievements and challenges, and to work collaboratively to find practical solutions to those challenges.

- There is a need to 'break out of the traditional donor-recipient mindset, to show that all States face challenges, and all countries can learn from one another. Cooperation does not only have to be North-South, it can also be South-South and even South-North.'
- Assistance should be calibrated to help States strengthen compliance with their international human rights obligations and commitments, by supporting the implementation of recommendations received from the UN mechanisms. This will in turn help States strengthen national resilience - thus decreasing the risk of crisis and conflict.
- All developing States warmly welcomed the initiative. For these States, the Council's work under item 10 has largely failed to do what it was supposed to: i.e., mobilise international cooperation to help States implement the recommendations they receive under the UPR, Special Procedures and Treaty Bodies. The developing State participants explained that they were generally keen to implement these recommendations and wanted to improve the promotion of human rights domestically, however they often lacked the capacity to do so - especially bearing in mind the large number of recommendations they receive each year.
- Item 10 of the Council's agenda should be about States from all regions and all levels of development working cooperatively to share experiences, provide expertise and exchange practical solutions to pressing human rights concerns - all geared to support implementation. It was suggested that this forum could destigmatise the existing arrangements around item 10 and focus on both substance and process.
- A Small State argued that development cooperation remains driven by donor concerns and is often out of touch with the domestic context. For example, donors often base development projects on their own human rights priorities rather than those of the recipient country.

- Another Small State explained that an additional problem with traditional development aid approaches is that 'many developing States get left behind' – either because they do not have a historic relationship (e.g., former colonies) with donors or, where they are small and have

relatively successful economies, because they are considered 'high income' and thus do not qualify for official development assistance (ODA). Yet their needs, in terms of technical support to assist with implementation, remain great.



Capacity-building workshop on human rights protection mechanisms, organized in Bukavu by the United Nations Joint Human Rights Office, 2019.

Photo MONUSCO / Alain Likota

- Another developing State called for all States to 'move beyond' traditional conceptions of human rights technical assistance and capacity-building support as being synonymous with 'third world countries asking for money.' It should be about States from all parts of the world and all levels of development helping each other by providing expertise, implementing small cooperation projects, and by sharing good practices. 'Developed States should understand that cooperation and support can be South-South or even South-North, as well as North-South. The bottom-line is it needs to be demand-driven.'
- Some participants from traditional donor States questioned the added value of using multilateral fora to 'bypass' existing bilateral systems of donor support. Three such States, for example, explained that they have developed elaborate (and parliamentary approved) national strategies for the delivery of ODA, and that it would be difficult to change those strategies to reflect expressions of need or requests for support from developing countries at the UN. One State agreed that ODA should be informed by the needs of developing States, but said they do this via their in-country embassies. Another developed State, however, replied that the idea was not to replace existing donor strategies, but to complement them via exchanges on 'needs and available support' at the multilateral level. Moreover, support pledged at this UN-level forum would be mainly small one-off projects and may be focused on exchanges of experience and good practice, not necessarily on the provision of ODA.
- Backing up this last point, another State welcomed the initiative as a complement to ODA and explained that they had experience in helping countries move away from the application of the death penalty. However, sometimes countries (e.g., in Africa) had asked for their help in this area yet they were unable to provide it due to the absence of an official bilateral development agreement. In such instances, it was argued, a new forum at the UN-level could help 'unblock' possible support and bridge the development and human rights agendas.

- It is also important to consider existing mechanisms for the delivery of capacity-building support, including the Voluntary Fund for technical cooperation in the field of human rights and the Voluntary Fund for financial and technical assistance for the implementation of UPR recommendation, and the Treaty Bodies' capacity-building programme.

During the second session of the forum, some States (all developing States) took the floor to present information on the implementation of human rights in their countries (achievements, obstacles, particularly challenging human rights concerns) and to pinpoint areas where they would welcome international capacity-building and technical assistance to make progress with implementation. These 'requests' covered a range of areas including women's rights, children's rights, torture prevention, minimum standards for detention, business and human rights, and building and developing NMIRFs.

After these presentations, other countries were invited to take the floor either to respond to these 'requests' with 'offers' of technical or capacity-building support, or to share their own national experiences and/or table their own requests.

'Request-offer' matches that were made at the meeting included:

- Gender mainstreaming and the rights of the child (Bhutan-Norway).
- Recommendation tracking and reporting (Bhutan-OHCHR/URG).
- Prison reform (Maldives-Thailand).
- Business and human rights action plan (Honduras-Thailand).
- Establishing/strengthening NMIRFs (Fiji, Marshall Islands – Paraguay/URG/Australia).
- Strengthening national human rights institutions (NHRIs) (Seychelles, Maldives – OHCHR/Australia).

LUXEMBOURG-LED GUIDANCE ON ITEM 10 REFORM

As noted above, in March 2022, the Secretary-General presented his report to the Council on strengthening the delivery of capacity-building support to member States. Although the report largely ignored item 10, it did include one crucial recommendation: to ‘further reflect on how to increase support for technical assistance and capacity-building activities to implement recommendations from human rights mechanisms, notably under item 10 of the Human Rights Council agenda.’

To follow-up on this proposal, at the same session (49th) Luxembourg delivered a joint statement (31 March 2022) on behalf of 54 countries, designed to guide reform of the Council’s work under agenda item 10.¹⁷

With the statement, the group of States asserted that ‘the provision and facilitation of technical assistance and capacity-building is a crucial part of the mandate of this body,’ and declared ‘an urgent need to give thought to how the Council and the wider UN can better deliver the mobilisation and on the ground implementation of such support.’ In that sense, the 54 States counselled that any process of reflection on how to reform item 10 should pursue seven interconnected objectives:

1. The body’s work under item 10 should serve to unite all actors behind the common purpose: namely to work together, through cooperation and dialogue, to help all States implement their human rights obligations and commitments, and thus deliver on ‘Our Common Agenda’ and the ‘call to action on human rights.’
2. The real-world challenges and achievements of States and other actors should be brought to the Council, as well as the good practices and lessons learnt, and ‘the faces and stories of rights-holders.’
3. The Council must work and deliver for all, taking into account the full diversity of rights-holders and of the UN’s membership.

4. As recognised in GA resolution 60/251, the delivery of ‘technical assistance and capacity-building [should be provided] in consultation with and with the consent of Member States concerned.’ This means creating a space where all countries feel free to speak of their own national human rights experiences and request assistance. This will in turn encourage a spirit of introspection, national ownership, and cooperation.
5. Work under agenda item 10 should serve the triple goals of promoting, protecting, and fulfilling human rights for all, supporting progress towards the SDGs while leaving no one behind and achieving gender equality and the empowerment of all women and girls, and helping build national resilience for long-term or ‘upstream’ prevention.
6. States should encourage the mainstreaming of human rights throughout the UN system. This should include hearing from UN Country Teams on their achievements and challenges in working with States to support the implementation of recommendations generated by the human rights mechanisms, as appropriate.
7. While continuing to speak out against human rights violations and abuses and giving a voice to the voiceless, the Council should also recognise and celebrate success and progress – whether by States, UN country teams, businesses, civil society, or human rights defenders.

¹⁷ Permanent Mission of Luxembourg to the United Nations and international organizations in Geneva, *HRC49 – Item 10 – General Debate, Joint statement on behalf of 54 countries*, 2022, available at: https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/56/OTH/OTH_2479_82_a24d4af2_75af_4194_ab00_cd91295a8f9a.docx

INTERSESSIONAL MEETING ON THE REFORM OF ITEM 10

On 7 October 2022, Thailand and the rest of the core group on capacity-building and technical assistance¹⁸ led on the adoption of Council resolution 51/34 on the ‘Enhancement of technical cooperation and capacity-building in the field of human rights.’¹⁹

The resolution marked a significant departure from earlier iterations of the text. In particular, it included numerous references to ideas for item 10 reform developed over the previous six years. For example, the operative paragraphs:

- Emphasised that ‘item 10 is an essential platform for members and observers of the Human Rights Council to share their visions and views, and concrete experiences, challenges and information on assistance needed, with regard to promoting more effective technical cooperation and capacity-building in the field of human rights, and that such technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions, national mechanisms for implementation, reporting and follow-up, the private sector and civil society, including women’s organizations.’
- Reiterated that technical cooperation and capacity-building in the field of human rights should be based on consultations with and the consent of the States concerned, should take into account their requests, needs, and priorities, and should aim at securing concrete impacts on the ground.
- Reaffirmed the ongoing need for enhanced financial contributions to the relevant UN funds to support technical assistance and capacity-building in the field of human rights, as well as to the technical assistance and capacity-building programme of OHCHR, ‘to ensure that the Office is in a position to respond to the requests for assistance identified in its annual appeals.’

¹⁸ Thailand, Brazil, Honduras, Indonesia, Morocco, Norway, Qatar, Singapore, and Türkiye.

¹⁹ Human Rights Council, Resolution 51/34 Enhancement of technical cooperation and capacity-building in the field of human rights, 2022, A/HRC/RES/51/34, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/523/44/PDF/G2252344.pdf?OpenElement>

- Encouraged States in need of technical assistance to consider requesting it via the Council as well as directly from OHCHR.

To take forward these and other ideas for the reform of the Council’s work under agenda item 10, with resolution 51/34 the Council furthermore decided: ‘to hold, before the fifty-third session of the Council, a half-day intersessional meeting on the theme ‘Technical cooperation and capacity-building in the Human Rights Council: taking stock of the past for a better discharge of this mission in the future.’ As well as providing a space for States and others to share experiences with the operation of item 10 to date, the intersessional meeting would aim to canvas States and NGOs’ views, in a formal environment, and gather concrete proposals for how agenda item 10 could be reformed in the future. Moreover, the resolution requested OHCHR to gather information and proposals from the meeting, and present a report to the Council’s 53rd session (June-July 2023), ‘recommending the way forward to improve technical cooperation and capacity-building in the field of human rights, taking into account the outcomes of the discussions held during the intersessional meeting, to be followed by an enhanced interactive dialogue.’ Finally, it called upon States, international human rights bodies and mechanisms, relevant international organisations, national human rights institutions, NMIRFs, and civil society, to make use of the ideas and issues raised in the intersessional meeting and the enhanced interactive dialogue to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts and to build multi-stakeholder partnerships, with a view to improving States’ capacities to promote, protect and fulfil human rights.

Unfortunately, when the intersessional meeting was held on 20 April 2023, very few States or NGOs came forward with concrete critiques of the operation of item 10 to date, or ideas on how it might work better in the future.²⁰

With the exception of H.E. Ambassador Federico Villegas, Permanent Representative of Argentina, and former President of the Council, who did offer analysis and proposals focused on agenda item 10 (i.e., what the Council can and

²⁰ Further information on the intersessional meeting is available at: <https://www.ohchr.org/en/hr-bodies/hrc/technical-cooperation-and-capacity-building-in-hrc>

should do), other panellists were chosen to focus on the capacity-building work of the wider UN (e.g., OHCHR, UN Country Teams) or bilateral donors.

After the panel presentations, some States, such as Bolivia, did enunciate the principles that should underpin the Council's work under item 10, noting for example that it must be based on the ideals of cooperation with and the consent of the State concerned, and a frank and constructive dialogue on that country's challenges and achievements, but did not offer a vision of how to turn such principles into practice. Similarly, Thailand called for the Council's work under item 10 to be 'more efficient and impactful,' yet merely expressed its hope to hear good ideas and proposals from others, so that 'we may realise item 10's untapped potential.' Amongst States, Luxembourg went furthest in presenting a vision for a reformed item 10. Referring to the joint statement it delivered in March 2022, Luxembourg called for the Council to develop a 'common approach' to item 10, which would include the creation of 'a safe space where States can speak of their national experiences,' and request technical assistance to support the implementation of UN human rights recommendations as well as SDG commitments. Luxembourg's representative, Luc Dockendorf, also asked two questions designed to steer States towards two key reform ideas. First, he asked panellists for possible solutions to the challenge of inadequate funding for capacity-building activities at the Council (e.g., perhaps a new small projects trust fund). And second, he asked how to address the issue of 'insufficient expertise' (including in OHCHR) to carry out capacity-building projects in the field (e.g., perhaps a roster of experts).

“ URG called item 10 ‘one of the most important items on the Council’s agenda,’ yet said that ‘unfortunately, to-date, the Council’s work under item 10 has manifestly failed to realise the body’s mandate, under paragraph 5a of GA resolution 60/251. ”

Only two NGOs took the floor during the meeting, one of which was URG.

URG called item 10 'one of the most important items on the Council's agenda,' yet said that 'unfortunately, to-date, the Council's work under item 10 has manifestly failed to realise the body's mandate, under paragraph 5a of GA resolution 60/251.'²¹

URG's Executive Director, Marc Limon, went on to offer a critique of the Council's work to date under agenda item 10, proposed a set of principles that should guide future reform, and suggested four concrete ideas for the Council's future work in the area of technical assistance and capacity building:

In essence, the Council's approach to item 10 since 2006 has involved passing resolutions on a limited number of States, usually States that have experienced a natural disaster or a civil war, that express concern and establish or renew Independent Expert mandates. These experts visit the country concerned to assess the situation and identify capacity-building needs, and then report back to the Council. Yet they do not, and never have, actually provide capacity-building support, nor do they mobilise such support. This has led to paradoxical situations such as, for example, in Haiti, where an Independent Expert visited the country for over 20 years yet simply presented the same report to the UN each year – with little or no sign that the reports' recommendations were being implemented. Since 2006, only around [twenty] States have 'benefited', if that's the right word, from such support under item 10.

There is therefore an urgent need to rethink our collective approach.

In that we should be guided by a number of principles. In short, the Council's work should:

- *Be country-led, i.e., provided in consultation with and with the consent of Member States concerned.*

²¹ Universal Rights Group, Intervention at the Intersessional Meeting "Technical cooperation and capacity-building in the Human Rights Council: taking stock of the past for a better discharge of this mission in the future", 20 April 2023, available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/inter-session-meetings/technical-cooperation/inter-session-tech-URG.pdf>

- *Be based on cooperation and genuine dialogue.*
- *Be inclusive – open to all States that wish to engage or to receive capacity-building support, without the need for a Council resolution. This is based on the idea that no State has a perfect human rights record – all have room for improvement.*
- *Be based on the ideal of introspection – in other words countries should be encouraged to talk about their own human rights experiences, achievements, challenges, lessons learnt, and ambitions, rather than about the situations in other countries.*
- *Be focused on helping all States make progress on the fulfilment of their human rights obligations and commitments, through the effective implementation of UPR, Treaty*
- *Body and Special Procedures recommendations.*
- *Gather information on and acknowledge success and progress, as well as on shortfalls and challenges.*
- *Promote a wide definition of technical cooperation, as including not only ODA projects, but also mainstreaming into UN country programming, and State-to-State cooperation, whether that be North-South, North-North, or South-South.*
- *Lead to concrete capacity-building projects at national level; and ensure that no country is turned away.*
- *Be adequately financed.*
- *Ensure follow-up to measure impact.*
- *Contribute to the SDGs 'leaving no one behind' and to prevention.*

With these points in mind, URG would like to make four concrete proposals.

*First, the Council should establish a **regular intersessional platform or 'safe space'** where all States can come and share information on their achievements, lessons learnt, and good practices in a given area of human rights work, but also relay information on challenges they have faced in implementing UN human rights recommendations – and thus where they wish to voluntarily request capacity-building support to strengthen implementation in the future. One or two such platforms should be organised each year, each focusing on a different theme such as women's rights, torture prevention, the right to adequate housing, etc.*

*Second, the Council should respond to all requests for support, as appropriate. This should be coordinated and guaranteed by OHCHR. In some cases, capacity-building support may come in the form of OHCHR technical assistance. In other cases, it may be in the form of State-to-State cooperation. But this will not always be enough. Therefore, the Council should mandate OHCHR to establish and maintain a **roster of human rights experts** to carry out the capacity-building projects that respond to State requests for support. States that receive such support should be asked to report back on progress, for example after a period of two or three years.*

*Third, to finance these – usually small – human rights capacity-building projects, a new Council **small projects trust fund** should be established. This might, for example, fund the dispatch of experts from the aforementioned roster to conduct projects in the requesting State.*

*Fourth, '**success stories**' identified in the context of steps 1, 2 and 3 should be profiled each year through the Council's annual item 10 panel – thereby creating a race to the top.*

Later, when responding to comments from the floor, Ambassador Villegas welcomed some of the ideas shared, agreeing that 'we have to be creative.' He argued that the 'Council is the only body that can provide a platform' such as that suggested by Luxembourg and URG, and the only body that could 'establish a matrix of relevant human rights expertise which could bring available resources together,' (i.e., a roster of experts). He concluded that such tools would bring 'immense added value to the work of the Council.'

NEXT STEPS

As noted above, with resolution 51/34 Council requested OHCHR to gather information and proposals from the 20 April intersessional meeting, and present a report to the Council's 53rd session (June-July 2023), 'recommending the way forward to improve technical cooperation and capacity-building in the field of human rights, taking into account the outcomes of the discussions held during the intersessional meeting, to be followed by an enhanced interactive dialogue.' Following the presentation of this report, and the holding of the enhanced interactive dialogue, Thailand and the core group on technical assistance and capacity-building are expected to table a draft Council resolution seeking to operationalise key conclusions and proposals/recommendations.

It is vital for the functioning, inclusiveness, effectiveness and credibility of the Human Rights Council, as well as for the human rights of individual rights-holders around the world, that OHCHR includes clear and progressive recommendations on 'the way forward' in its report; that States and NGOs use the enhanced interactive dialogue to reflect on those recommendations as well as propose other possible reforms, in line with the principles recalled in this report; and that the core group seizes the opportunity provided by its upcoming resolution on item 10 to operationalise some of those ideas and proposals so that item 10 is transformed from a 'diamond in the rough' to the 'crown jewel of the Council's agenda.'



A general view of Ariana Park headquarters of the United Nations in Geneva.

Photo by Jean-Marc Ferré



‘A DIAMOND IN THE ROUGH’:

HOW TO STRENGTHEN THE HUMAN RIGHTS COUNCIL'S DELIVERY OF TECHNICAL
ASSISTANCE & CAPACITY-BUILDING SUPPORT (ITEM 10 REFORM)



working together to protect universal human rights



978-2-940626-54-0



Maison de la Paix,
Chemin Eugène-Rigot 2E,
Building 5
CH-1202 Geneva, Switzerland

ISBN: 978-2-940626-54-0

T +41 22 755 14 56

www.universal-rights.org
info@universal-rights.org

 @URGThinkTank