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Universal periodic review

Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review

Report of the Office of the United Nations High
Commissioner for Human Rights

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I. Introduction

1. The present report is submitted in accordance with Human Rights Council decision 17/119, in which the Council requested the secretariat to provide an annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review and on the resources available to it. Subsequently, the Secretary-General informed the Council in a note (A/HRC/23/60) that a consolidated annual written update on the operations of the Voluntary Fund would be submitted to the Council at its twenty-fourth session. In its resolution 23/3, the Council took note of the above-mentioned note by the Secretary-General. The present report provides an overview of contributions and expenditures as at 31 May 2013, together with a description of actions undertaken to operationalize the Fund. It also provides a description of the activities funded since the establishment of the Fund in 2009.

2. In its resolution 6/17, the Human Rights Council requested the Secretary-General to establish a new financial mechanism called the Voluntary Fund for Financial and Technical Assistance in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned. In its resolution 16/21, the Council requested that the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations made during their review. The Council also requested that a board of trustees be established in accordance with the rules of the United Nations.

3. Furthermore, in its resolution 16/22, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to seek the views of States and relevant stakeholders on the contribution of the Voluntary Fund, in particular with regard to its sustainability and accessibility, to the implementation of recommendations accepted by States as part of their universal periodic review that require financial support, and also requested OHCHR to provide the Council with a compilation of those views at its nineteenth session.¹

4. States have commenced making contributions to the Voluntary Fund. OHCHR has also begun to operationalize the Fund by providing financial and technical assistance to States that request support. Support is provided by OHCHR in the spirit of the universal periodic review, in accordance with the annex to Human Rights Council resolution 5/1, in particular subparagraphs 4 (a) and (b) (see also paragraphs 15 to 29 below).

II. Terms of reference

5. The mandate of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, as specified by the Human Rights Council in its resolution 6/17, is to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned. On the basis of this broadly defined mandate,

¹ See A/HRC/19/50.

OHCHR has further elaborated the terms of reference of the Voluntary Fund in order to provide funding for (a) the integration of universal periodic review outcomes into United Nations common country programming documents, including the United Nations Development Assistance Framework and the dissemination of information on review outcomes with a view to mobilizing support for the countries concerned; (b) the coordination of United Nations, multilateral and bilateral action in support of review outcomes, including the conduct of needs assessments and the formulation of programmes and projects aimed at implementing review outcomes; (c) the exchange of information and the sharing of best practices, including through the organization of regional and subregional meetings, seminars, consultations and other forms of interaction; (d) the development of a national capacity and expertise for the implementation of review outcomes; (e) the co-funding of programmes and projects aimed at implementing review outcomes; and (f) regular follow-up, with the national bodies and institutions concerned, of action taken to implement the universal periodic review recommendations.

6. OHCHR has also developed broad principles with a view to guiding the formulation of requests for assistance and its review of such requests, and to ensuring a clear, coherent, transparent and consistent process. These principles also took into account the request made by the Human Rights Council that OHCHR make clear the process by which States request assistance from the Fund, and to process such requests in a timely and transparent manner that adequately responds to the requesting States.² Accordingly, requests for funding should:

(a) Be made by the requesting State directly to OHCHR or one of its field offices, the office of the Resident Coordinator or other appropriate channel. Requests may also be submitted on the State's behalf by another entity provided it is engaged in supporting the implementation of universal periodic review recommendations and with the consent of that State. These entities may include United Nations organizations, national human rights institutions, civil society organizations or other development actors;

(b) Support the implementation of, or contribute to implement, one or several universal periodic review recommendations with a measurable impact on the improvement in the enjoyment and exercise of human rights in general or of those of specific groups;

(c) Aim at building the State's human and technical resources to strengthen national mechanisms to promote and protect human rights in a particular area of concern;

(d) Be guided by the broad principle that effective technical assistance/cooperation is based on the universality and indivisibility of all human rights, and include both the promotion and the protection of human rights;

(e) Be guided by the principle that technical cooperation ought to be formulated and implemented with the participation of relevant sectors of national societies, including State institutions (judicial, legislative and executive branches of government), national human rights institutions and civil society.

7. Priority attention will be given to requests from least developed countries and/or small island developing States to help them to implement their universal periodic review recommendations.

8. Since effective technical assistance and cooperation should focus on building and strengthening national frameworks and institutions for the promotion and protection of human rights, including the rule of law, legal and political accountability, democratically elected parliaments, independent courts and independent national human rights institutions,

² Human Rights Council resolution 23/3, para. 15.

requests should focus in priority on the strengthening of these national protection mechanisms.

9. Requests should propose a coherent set of activities that contain clear objectives with corresponding strategies to implement them, and an identification of beneficiary target groups and outcomes. The objectives should be realistic, achievable and time-bound. A detailed budget should be accompanied to the request. It is also expected that costs will be incurred during the implementation period and comply with the principles of sound financial management designed to optimize the use of the resources requested.

10. Requests may also aim at building the country's human and technical capacities to strengthen the promotion and protection of human rights in a particular area of concern. Considering the complementarity of the universal periodic review with other international mechanisms, including treaty bodies and special procedures, and the legal obligations contracted by States when ratifying human rights instruments, it would be advisable that universal periodic review recommendations that correspond to similar recommendations by treaty bodies, special procedures or other international or regional human rights institutions be selected for implementation under the proposal.

11. Attention will also be given to requests reflecting OHCHR global thematic priorities and contribute to the achievement of its expected accomplishments.

III. Operationalization of the Fund

A. Strategic vision for follow-up to the universal periodic review

12. In accordance with its priority to strengthen human rights mechanisms and the progressive development of human rights law as elaborated in its Management Plan 2012-2013,³ OHCHR has adopted a holistic approach to universal periodic review follow-up, which consists in supporting the implementation of the recommendations of all United Nations human rights mechanisms, including those made during the universal periodic review. As highlighted by the Human Rights Council, the review is complementary to and should strengthen other United Nations human rights mechanisms, the bedrock of the international system of human rights promotion and protection built over the past six decades. This holistic approach is the spirit of efforts by OHCHR to operationalize the recommendations of international human rights mechanisms in all countries. In practice, OHCHR has been integrating the recommendations from all international human rights mechanisms into its planning and programming at all levels in accordance with the objectives and priorities of its mandate. With this approach in mind, OHCHR, in the past two years, has been developing its capacity to provide strengthened support to States in their efforts to engage in and implement the outcome of their universal periodic review, including through the operationalization of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review.

B. Board of Trustees

13. The purpose of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review is in substance very similar to that of the

³ See www2.ohchr.org/english/ohchrreport2011/web_version/media/pdf/11_Human_rights_mechanisms.pdf.

Voluntary Fund for Technical Cooperation in the Field of Human Rights established in 1987. Consequently, after consultation with the Board of Trustees of the latter Fund, and upon the request of OHCHR, on 30 May 2013, the Secretary-General appointed the members of the Board of Trustees serve as members of the Board of Trustees for the Voluntary Fund for Financial and Technical Assistance to oversee its management. This arrangement is both cost-effective and efficient, and will help to ensure complementarity between the activities supported by both funds.

14. In close consultation with the various work units of OHCHR, the Board of Trustees will focus its attention on:

- (a) Guiding the operationalization of the Fund;
- (b) Examining, advising and guiding field presences in the area of technical cooperation, taking into account the specificities of countries and regions;
- (c) Identifying best practices in the implementation of technical cooperation;
- (d) Ensuring that the Fund is managed with due regard for geographic balance and the needs and expectations of least developed countries and small island developing States.

IV. Activities supported by the Fund

15. Since the formal establishment of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review in 2009, a number of proposals have been supported by it. The effort began in 2009 with a major focus on assisting States in developing plans of action or road maps to implement universal periodic review recommendations at the country level. At the regional level, in the Pacific region, a regional strategy to follow up on the outcomes of all international human rights mechanisms was supported. The strategy has been implemented by the OHCHR Regional Office for the Pacific in close cooperation with the Governments of the region and United Nations country teams, and with the participation of national stakeholders. This effort will continue throughout 2013.

16. In 2012, when the second cycle of the universal periodic review started, OHCHR provided States with support on a variety of themes by means of different frameworks of cooperation. It further strengthened cooperation with entities of the United Nations system, in particular with United Nations country teams providing States with support to in follow-up to their universal periodic review. For instance, OHCHR supported follow-up efforts of country teams in both the Lao People's Democratic Republic and Thailand in the framework of the United Nations Development Assistance Framework. The Development Assistance Frameworks of the two countries contain specific outcomes geared to assist them in implementing prioritized universal periodic review recommendations. Participating country team members jointly provided both substantive and financial support to achieve those outcomes.

17. In accordance with the broad principles described in the terms of reference above, the Fund has been used as a source of financial and technical assistance to support the implementation of universal periodic review recommendations at the country level. Since the review is a process of national and international human rights dialogue and cooperation aimed at developing and strengthening national capacities to promote and protect human rights at the country level, OHCHR has focused its work on supporting efforts at that level. In all the 58 countries where it has a field presence, it has strengthened its support for the universal periodic review as a national process of dialogue and cooperation to implement the commitments made by State authorities in Geneva. In other countries, it has supported

the review process through its regional office, and collaboration or partnerships with United Nations country teams and the office of the Resident Coordinator.

18. In 2010 and 2011, 22 projects in 14 States⁴ were funded by the Voluntary Fund either to inform, advise and guide the States in the preparation of their review or to support their effort to implement the recommendations made. In addition, four regional workshops on the universal periodic review supported by the Voluntary Fund were organized or co-organized with the United Nations Development Programme (UNDP) by the Office in Senegal (for West African countries), South Africa (for Southern African countries), Ethiopia (for Eastern African countries) and in the Republic of Moldova (for Eastern European countries), which benefited most countries in these regions. These activities were implemented through OHCHR field presences, including its regional offices for West Africa, Central Africa, Southern Africa, Eastern Africa and the Pacific.

19. In 2012, Voluntary Fund projects to assess needs, to provide advice and guidance or to support the implementation of universal periodic review recommendations were carried out in Bahrain, Barbados, Belize, Ecuador, Fiji, Jamaica, the Marshall Islands, Pakistan, Tonga and Vanuatu. Regional follow-up workshops were organized or co-organized jointly with UNDP in South Caucasus, Central Asia and the Arab regions, benefiting several dozen countries.

20. Since the beginning of 2013, the Office has reviewed more than 20 new requests for funding under the Voluntary Fund for Financial and Technical Assistance to support implementation by countries of their universal periodic review recommendations. In doing so, it has paid special attention to least developed countries, small island developing States and other countries. Funding for new activities was approved for Argentina, Barbados, Brazil, Chile, the Democratic Republic of the Congo, the Lao People's Democratic Republic, Paraguay, Peru, the Republic of Moldova, Thailand, Ukraine and Uruguay. Also since January, technical assistance assessment missions with regard to universal periodic review follow-up funded by the Voluntary Fund were undertaken to the Dominican Republic, Costa Rica and Nicaragua. Proposals to be implemented later in 2013 or in 2014 are being reviewed with regard to Guinea, Madagascar, the Niger, Panama, Serbia and Sierra Leone.

21. As an example of its activities, in late 2012, the Voluntary Fund supported the recruitment in Barbados of a national human rights officer placed in the office of the Resident Coordinator to assess, in close collaboration with the national authorities, the potential and challenges of universal periodic review recommendations with a view to providing the support necessary for their effective implementation.

22. The OHCHR Regional Office for South America has begun to implement a project aimed at assisting Argentina, Brazil, Chile, Peru and Uruguay in implementing the universal periodic review recommendations by recruiting human rights advisers who conduct training on the review process, integrate review recommendations into national strategies and plans of action, and enhance the capacities of civil society and other relevant stakeholders.

23. In the Asia-Pacific region, in addition to the ongoing support provided to a number of island States in the Pacific region through the above-mentioned regional strategy, OHCHR has been provided support to several countries in South-east Asia, including Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines and Thailand. In December 2012, the Voluntary Fund contributed to an OHCHR assessment

⁴ Burkina Faso, Cameroon, Cape Verde, Chad, the Congo, Ecuador, Equatorial Guinea, Fiji, Gabon, Mali, Sao Tome and Principe, Senegal, Tonga and Vanuatu.

mission to Bahrain, at the invitation of the Government, to identify capacity-building needs and areas of possible cooperation for technical assistance to implement universal periodic review recommendations.

24. In 2012, in Ecuador, the human rights adviser supported the Ministry of Justice in the development and implementation of a system of human rights indicators to help the national authorities to assess, analyse and follow-up on the implementation of the country's human rights obligations. Indicators on the rights to work and to integrity were developed during the pilot phase of the project.

25. In April and May 2012, in Pakistan, through the office of the United Nations Entity for Gender Equality and the Empowerment of Women, OHCHR supported the convening by the Ministry of Human Rights of four regional consultations between the Government and civil society actors to assess progress in the implementation of universal periodic review recommendations emanating from the first cycle, human rights developments that have arisen since, and to prepare the national report for the second cycle.

26. In the Democratic Republic of the Congo, a proposal was approved to support the implementation of several universal periodic review recommendations encouraging the country to establish a national human rights institution. Implementation of the project will commence during the second half of 2013.

27. In Paraguay, through the Human Rights Adviser in the office of the Resident Coordinator and in close cooperation with the Government, the Voluntary Fund supports activities designed to implement six prioritized universal periodic review recommendations relating to the development of a system of human rights indicators aimed at analysing, monitoring and reporting on progress in implementing the recommendations made by human rights mechanisms, and at improving the human rights record of the country. The project is being implemented in cooperation with the Ministry of Foreign Affairs and the governmental human rights network responsible for implementing the country's human rights obligations.

28. In early 2013, the Voluntary Fund supported the convening of a subregional workshop on follow-up to the universal periodic review for South-east Asia with a view to identify good practices in follow-up efforts at the country level. During the workshop, key elements of an effective and inclusive process to follow up on review recommendations were examined, including the establishment of a mechanism to review, follow up on and monitor the implementation of recommendations, consultation with and the involvement of national human rights institutions and civil society organizations in the implementation of recommendations, and United Nations system-wide cooperation in supporting States in follow-up at the country level.

29. OHCHR has provided a great deal of support to States in universal periodic review follow-up activities at the country and regional levels through other forms of engagement and cooperation.⁵

V. Financial situation of the Fund

30. Table 1 shows the detailed financial situation (income and expenditure) of the Voluntary Fund as at 31 May 2013.

⁵ See www2.ohchr.org/english/ohchrreport2012/web_en/pages/ohchr_field.html.

Table 1
Statement of income and expenditure for the period 30 January 2009 – 31 May 2013

I. Income	<i>US dollars</i>
Voluntary contributions received from Governments since the establishment of the Fund	2 583 215
Sub-total income (total contribution)	2 583 215
Miscellaneous and interest income	74 330
Total income	2 657 545
II. Expenditure	
Staff costs	197 551
Experts and consultants' fees and travel	180 845
Travel of staff	136 875
Travel of representatives	22 610
Contractual services	8 000
General operating expenses	34 400
Supplies and materials	5 200
Grants, contributions and seminars	690 472
Programme support costs	161 947
Total expenditure	1 437 900
Total fund balance as at 31 May 2013	1 219 645

31. Since the establishment of the Fund in 2009, seven States (Australia, Colombia, Germany, Morocco, Norway, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland) have made financial contributions. Table 2 provides an overview of all contributions received.

Table 2
Voluntary contributions made to the Fund from 30 January 2009 to 31 May 2013

<i>Donor</i>	<i>US dollars</i>
2008-2009	
Colombia	40 000
Russian Federation	450 000
United Kingdom of Great Britain and Northern Ireland	45 326
2010-2011	
Russian Federation	200 000
United Kingdom of Great Britain and Northern Ireland	133 707
Morocco	500 000
Germany	148 148

<i>Donor</i>	<i>US dollars</i>
2012–2013	
Germany	345 285
Australia	197 280
Norway	523 469
Total	2 583 215

32. The reception, review and approval of projects slowed down in 2012 owing to the focus of OHCHR on the internal reorganization of its resources for the universal periodic review, to ensure their more cost-effective use, and greater efficiency. As at December 2012, approximately \$1.7 million were available to the Fund. The OHCHR cost plan for the universal periodic review in 2013 provided for the disbursement of 1.2 million to support ongoing and newly approved projects. It would be advisable to expand the donor base of the Fund so that all interested Member States, including developing countries, may contribute from within their means.

VI. Conclusions

33. **The Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review provides valuable support for States wishing to implement their pledges and commitments made at their universal periodic review. Through such an effort, they have a further opportunity to implement their human rights obligations under the treaties they have ratified. In the spirit of its mandate and terms of reference, the Voluntary Fund has provided funding and technical advice and guidance by means of a variety of projects and activities designed to follow up on the recommendations made during the universal periodic review. While regional meetings have focused on information, advice and guidance with regard to the universal periodic review process and the sharing of experiences between review actors in their efforts to implement their commitments, most activities have been directed at supporting States in their effort to implement review recommendations at the national level, directly or through a variety of frameworks of cooperation, including common country assessments and the United Nations Development Assistance Frameworks. The said activities have also helped to mainstream review recommendations into the planning and programming of entities in the United Nations system. In providing such assistance and funding, a primary consideration was whether they would help States to bring about concrete and tangible institutional changes in law, policy and practice, thereby strengthening their national systems in the promotion and protection of human rights.**

34. Thanks to the Voluntary Fund and other sources of funding, OHCHR is pursuing its effort to provide universally objective and reliable information, advice and guidance to Member States and other actors with regard to the universal periodic review process, either directly or through international, regional or subregional events. It will continue to support efforts by States, including their institutions, national human rights bodies, civil society actors and the people themselves, to implement their commitments made during their review and other human rights obligations and, crucially, to foster dialogue, cooperation and the sharing of experience at all levels. The efforts made by the Voluntary Fund to enhance its capacity, however, and in particular to document best universal periodic review practices at the country level, to develop tools and to organize events to share them

among all stakeholders concerned will continue to be limited by the constraints in its resources. The Voluntary Fund has played and will continue to play a key supporting role for States in improving human rights domestically and for OHCHR to support this effort internationally.

35. The universal periodic review is an intergovernmental process. The Human Rights Council, in its resolutions, has stressed that the primary responsibility for the implementation of review recommendations lies with the State and, as appropriate, with other relevant stakeholders. The participation and the role of other stakeholders in the process, in particular national human rights institutions and civil society actors, have been increasingly recognized by the Council as an important contribution to the process. Their role in the assessment and documentation of the domestic situation of human rights, drawing attention to important human rights concerns, involving all parts of society in the process, supporting the implementation of recommendations by State institutions through consultations, dialogue and cooperation, and monitoring progress and reporting thereon is increasingly recognized and valued. This complementary role to that of the State in the effort to engage in and realize the objectives of the universal periodic review ought to be encouraged and supported, including by means of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review.
