

The Universal Rights Group Intervention

Thank you, Madam Chair,

The Universal Rights Group believes that item 10 is one of the most important items on the Council's agenda.

Unfortunately, to-date, the Council's work under item 10 has manifestly failed to realize the body's mandate, under paragraph 5a of GA resolution 60/251, to provide 'technical assistance and capacity-building, [...] in consultation with and with the consent of Member States concerned.'

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 mobilize 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 a dozen 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.
- **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 and to prevention.

Madam Chair,

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 organized 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 2 or 3 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.

Thank you, Madam Chair.