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**Advisory Committee
Twenty-third session**22-26 July 2019
Item 3 of the provisional agenda **Requests addressed to the Advisory Committee stemming from Human Rights resolutions:
Draft of the study on technical assistance and capacity building in fostering mutually beneficial cooperation in promoting and protecting human rights**

 Draft of the study on technical assistance and capacity building in fostering mutually beneficial cooperation in promoting and protecting human rights

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 Draft of the study on technical assistance and capacity building in fostering mutually beneficial cooperation in promoting and protecting human rights

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 I. Introduction

1. This draft report is submitted to the Advisory Committee pursuant to Human Rights Council Resolution 37/23 of 23rd March 2018, entitled “Promoting mutually beneficial cooperation in the field of human rights”. Paragraph 5 of the resolution requested the Committee to conduct a study on the role of technical assistance and capacity- building in fostering mutually beneficial cooperation in promoting and protecting human rights, and to submit a report their on to the Human Rights Council before its forty –third session.

2. In order to prepare for this report, the Committee through a note verbale dated 16 August 2018 invited states and other shareholders for their inputs. 15 States replied to the invitation of the committee, they are: Australia, Canada, China, France, Germany, Japan, Ivory Coast, Kuwait, Mauritius, Morocco, New Zealand, Philippines, Russia, Switzerland and United Kingdom. One independent HR institution and three NGOs also replied to the invitation.

 II. Definition and history of technical assistance and capacity building

3. Technical assistance has been defined as a form of aid given to the less developed countries by, especially, the international community represented by the United Nations and its specialised agencies and to a lesser degree by developed states and non-governmental organizations.

4. Capacity building has been defined by the Hang one Global University as the process of developing and strengthening the skills, instincts, abilities, process and resources that organizations and communities need to survive, adapt and thrive in a fast-changing world.

5. Technical assistance and capacity building may take different forms, such as training, scholarships, organizing of seminars and conferences on specific subjects, country visits by experts, etc. and new forms are evolving by the time.

6. Technical assistance and capacity building cover different fields and subjects such as improving domestic legislation and the administration of justice, monitoring political elections, promoting economic and social development in general, agriculture, health, education, employment, environment, training of public officials, improving places of detention, treaty reporting etc. However, the report will concentrate on technical assistance and capacity building and human rights especially within the United Nations system.

7. In his report to the HRC in 2014 on technical assistance and capacity building options for integrating human rights into national policies the OHCHR declared that the term technical cooperation refers to both technical assistance and capacity building

8. Technical assistance and capacity building has a history which goes back to the conference of San Francisco of 1945,States at that conference were aware that building and maintaining peace and security in the world imposes the promotion of economic, social and humanitarian development, especially, of less developed countries, since there was a big and even dangerous disparity in the level of development and standard of living between developed and less developed countries.

9. However, since the UN and its specialised agencies cannot provide direct loans for financing investments and development projects in less developed countries, they – the UN and its agencies – considered that it is among their duties and functions to provide at least advise, technical instruction, training and sending expert missions.

10. It was on this background that the Economic and Social Council asked the General Assembly of the UN in February 1949 and all specialized agencies to work out a Comprehensive Plan for Expanded Program of Technical Assistance

11. In 16 of November 1949 the UN General Assembly, adopted two important resolutions concerning technical assistance.The first on the expanded programme of technical assistance for technical development of under developed countries )resolution 304 – I V- and the second on technical assistance for economic development under General Assembly resolution 200-III).

12. After the creation of the this program, less developed countries asked the Secretary General of the UN for, especially, economic advisors. The ILO has been asked to advise on co-operation and social insurance, the FAO was asked to advise on agriculture, fisheries and forestry. The UNESCO was asked to advise on education and eradication of illiteracy, the WHO was asked to advise on health, combating malaria and several other diseases.

13. However, the results of the application of the program were mixed, the main weakness of the program resides in its financial limitations, since the demand for technical assistance was higher than the resources afforded by the UN system.().

14. On the other hand, it appeared that voluntarily funded UN programs of technical assistance could be very efficient in the development of solution to economic, social and cultural problems. One example, among others, is the creation of the United Nations Children’s Emergency Fund (UNICEF) in 1946 later renamed United Nations Children’ Fund. UNICEF is funded entirely by voluntary contributions and thanks to its partnership with governments, non-governmental organizations and the private sector has been able to provide assistance to millions of children and young people all over the world in fields such as vaccination, education material, safe water, reduction of malaria-related deaths, help in humanitarian emergencies, the treatment of severe malnutrition and the child development through sport.

15. Another example is the Programme of Technical Assistance in the Field of Human Rights which was established since 1955 and is currently managed by the Office of the High Commissioner for Human Rights. It is funded from the regular budget of the United Nations and, since 1988 from the UN Voluntary Fund for Technical Cooperation in the Field of Human Rights. More information on this Programme is given under Chapter VII below.

16. Most recently, by its Resolution 6/17 the Human Rights Council established, since 2009, the Voluntary Fund for Financial and Technical Assistance to help countries in the implementation of the Universal Periodic Review in consultation with, and with the consent of, the country concerned

17. It should be recalled here that technical cooperation activities are seen by the United Nations as a complement to, but never a substitute for the monitoring and investigating activities of the human rights programme.

 III. Technical assistance, capacity building and human rights

18. The charter of the UN, made numerous references to human rights, it is the first international obligatory instrument that mentions human rights expressly. Thus in the preamble the charter reaffirms faith in human rights and fundamental freedoms,art.1 para.3 stresses the promotion and respect of human rights for all human beings without distinction. Art.13 para.b mentions the realisation of HR through international cooperation. Art. 55 para.c indicates that universal respect and observance of HR as one of the conditions of stability and friendly relations between nations, finally art.56 imposes the duty of cooperation among states and the UN in order to achieve the purposes set forth in art.55 and among them HR.

19. The Universal Declaration of human rights which was adopted by the General Assembly without any dissenting vote, has guided the UN in its work of protection and promotion of human ever since.

20. In 1955, and after some Ad Hoc technical assistance in the field of human rights, the General Assembly, for the first time, established the UN Program of Advisory Services in the field of human rights by UNGA resolution 926 – X- of the 14/12/ 1955In this resolution the General Assembly authorised the Secretary General to make provision, at the request of governments, for assistance in the field of human rights, including advisory services of experts, fellowships, scholarships and seminars, later the General Assembly widened the scope of the program to include national and regional human rights courses.

21. In November1987, the Secretary General of UN, under resolution 1987/38 of 10/03/1987 of the Human Rights Commission and a ECOSOC decision 1987/147 of 29 May,1987created the Voluntary Fund for Advisory Services and Technical Assistance in the field of human rights. The main task of the fund was to provide additional financial support for practical activities, such as the implementation of international conventions enacted by the UN and, its specialised agencies and regional organisations.

22. The Human Rights Commission used the Voluntary Fund to finance many activities in the field of human rights, such as:

(a) Expert and technical assistance to government, in order to develop the necessary infrastructure to meet international standards.

(b) Projects for legal protection and strengthening of the independence of the judiciary.

(c) Comprehensive needs assessment and overall country programs including specific projects aimed at strengthening the human rights infrastructure of the country.

(d) Project that can play catalytic role in the practical role in the practical realisation of internationally recognized human rights.

 IV. Legal basis for technical assistance

23. International cooperation which involves inevitably technical assistance and capacity building is mentioned expressly in the charter of the UN. Thus articles 1/3,55 and 56 refer to international cooperation as an element of achieving the purposes of the UN and solving international problems in different fields among them HR. Art.22 of the covenant on economic, social and cultural rights on the other hand stresses that the realization of economic social and cultural rights can be achieved through international cooperation. This leads us to the conclusion that international cooperation has become a duty for states

24. The duty to cooperate is established in chapter XI of the UN, it is also reflected in several UN resolutions, either as a means to achieve some purposes, or as a deliberate objective in itself. However, the famous resolution2526 – XXV-1970 on friendly relations and cooperation between states, approved by the GA of the UN on 24/10/1970,cooperation is declared as a duty or obligation - the duty of states to cooperate with one another in accordance with the charter-.

25. Respecting sovereignty of States benefiting from technical assistance is a fundamental duty of the international community and individual States, it is the corner stone which must be taken into account in any policies of technical assistance. This means that the request of the state for any form of technical assistance or capacity building is necessary, States cannot be compelled even by the international community to accept technical assistance against their will.

26. The duty of the international community to finance technical assistance and capacity building especially for developing countries stems from the principal of solidarity and international cooperation.

27. Dialogue on human rights issues must not be based on political considerations and on the threat of force or on double standards, this is another rule which must guide any dealings with human rights subjects including technical assistance, and capacity building.

 V. The concept of mutually beneficial cooperation (MBC)

28. It is the understanding of the Advisory Committee that the expression “the role of technical assistance and capacity building in fostering mutually beneficial cooperation in promoting and protecting human rights” refers mainly to technical assistance that a State is able to provide to another State or other States in order to obtain some benefit for both parties in the field of human rights. Such a benefit would include mutual understanding, equality and respect, healthy development of global human rights governance with the participation of developing countries etc. Beside this State to State assistance, there is another type of technical assistance in the field of human rights which is the one provided by the United Nations and other international organizations, to States that request it and which is the result of the support (financial or otherwise) of the international community. Perhaps, the role of this type of technical assistance and capacity building is more addressed to the promotion and protection of the human rights of the individuals per se than aiming at a mutually beneficial cooperation between States that is of contractual nature.

29. For this reason, as stated on paragraph 5 above, the present report focuses mainly on the role of technical assistance and capacity building in the field of human rights provided within the United Nations system.

30. The views on the concept of mutually beneficial cooperation expressed by States and received by the Advisory Committee are summarized in the paragraphs below. It is up to States, in particular, to assess whether State to State technical assistance and capacity building is able to foster mutually beneficial cooperation and to what extent.

31. Fifteen States, one national human rights institution and three non-governmental organizations submitted their inputs concerning the present report. The concept pf MBC occupied a very important place in the replies of 7 States at least.

32. To Australia MBC is not an agreed multilateral concept in HR, but rather a domestic concept of one particular state. It adds that the use of the term is likely to cause confusion and undermine clear long established and agreed principles with regard to the promotion and protection, technical assistance and capacity building; and development cooperation.

33. Canada stressed from the start that MBC and –win-win- cooperation appear to be closely linked and generally it describes cooperation in the economic field. Canada further, stated that –win win- cooperation is usually used by China representatives in their UN speeches.

34. Canada remarks that given the ambiguity of MBC in the context of HR, defining or clarifying the term in the context of human rights should be the first task of the Advisory Committee of the HRC

35. In its view Canada stressed that the HRCAC should be guided in its efforts to define MBC by the international instruments of human rights and the principles that established HRC, particularly those outlined in UNGA resolution 60/250.

36. For China HR deficit is still very serious. HR issues are used to attack others countries and interfere in their internal affairs, thus, poisoning the global atmosphere of HR

37. Technical assistance and capacity building play an important role in the promotion and protection of HR through win-win cooperation.Fist they enhance mutual understanding, since different countries have different historical and cultural traditions, levels of economic and social development and political systems. Second to improve the level of HR protection, all States should strengthen win-win cooperation, exchange and learn from each other and make common progress in the field of HR through technical assistance and capacity building. Third, promote healthy development of global HR governance, through exploring ways to promote democratization, rule of law, rationalization and fair development of global HR governance, especially by supporting the participation of developing countries in global governance.

38. To China in order to strengthen win-win cooperation in the field of HR through technical assistance and capacity building, five principles should be taken into account. First, total adherence to the purposes and principles of UN Charter, especially respecting sovereignty and opposing the politization of HR. Second consultation to determine the areas of cooperation, project planning and concrete implementation according to the requests and priorities of the parties concerned. Third, promote all HR in a balanced manner and by paying more attention to the demands of developing countries for the realization of the right to development and continuous progress of HR. Four, fully implement the sustainable development agenda of2030,and provide fundamental guaranties for people s enjoyment of HR while carrying out technical assistance and CB. Fifth, safeguard international fairness and justice, fully understand the difficulties and efforts of developing countries in achieving economic development and maintaining social stability, guarantee the special and differential treatment enjoyed by developing countries in institutions like WTO and create conditions for the development of HR in those countries

39. France and Germany submitted a joint response, they stressed that the concept of MBC as well as the similar – or identical- term –win win- cooperation is useful in trade negotiation for example. However, in their view it cannot be applied in the field of human right, since existing human rights obligations ought not to depend on intergovernmental negotiations, the risk in that case being that whether or not the standards are applied would depend on the balance of power between states, to the determinant of small states and also of individuals.

40. Japan indicated that the terms –building a community of shared future for human rights- and – MBS are not widely recognized in the field of human rights, and are unclear, which makes their use in a resolution of the GRC unsuitable in its view

41. Ivory coast, Kuwait, Mauritius, Morocco and the Philippines stressed the fundamental role of technical assistance and capacity building in the protection, promotion and realization of HR. They did not question the validity or the introduction of the concept of MBC in the arena of technical assistance and capacity building.

42. The Netherlands points out that MBC priorities state- state relationship, which excludes essential actors in the field of HR, such as UN-agencies, ngos and civil society The term lacks a clear definition, and it seems that it is strongly associated with economic development, and runs the risk of overemphasising economic rights above civil and political rights.

43 New Zealand sees that MBC does not have an inter-governmental agreed definition. In its view it is unclear as to how MBC differs from –international cooperation- and what if any, value there might be in the consideration of the concept.

44. Switzerland observed that the term MBC is not sufficiently defined and stressed that it remains sceptical regarding the added value of this new concept.

45. The United Kingdom was of the view that it strongly supports technical assistance and capacity building as a means of enabling a state to fulfil its human rights obligations. However, it considers that the concept of MBC poses significant challenges, since the term is not defined in resolution A/HRC/RES/37/23 and it is not agreed United Nations language and further it is not an approved concept in multilateral human rights contexts.

46. The United Kingdom declared openly that it does not support the introduction of a new and undefined term and concept that is not included in international human rights law, and added that if the term MBC is to be used in human rights context, its meaning must be clearly compatible with international human rights obligations, the UK concluded that without a definition of MBC it is not clear that it is compatible.

47. Three NGO s from Cameron – ANAPROAH-, - APG23- from Albania and – Protector of Citizens- from Serbia and NHRI of India, did not comment or criticize the concept of MBC They insisted on the importance of technical assistance which enabled them to better protect HR and prevent violations, and pointed the main weaknesses of TA and how to remedy them.

48 Japan indicated in its input that it has been implementing technical assistance and capacity building on human 4rights,as part of the cooperation programs by JICA – Japan International Cooperation Agency- for developing countries all over the world, especially in South Asia and South East Asia.

49.The projects covered for 4 sectors namely legal and judicial sector, election sector, police sector and media sector. Legal and judicial sector covers drafting and dissemination of civil law and other laws and regulations. Election sector covers ensuring the right of the people to participate in politics through strengthening the capacity of staff of the board of elections. Police sector covers the contribution to appropriate criminal proceedings through capacity-building on criminal prevention, control and investigation. Lastly, media sector covers the contribution to the public right to know by ensuring circulation of accurate, neutral and fair public media information through strengthening the capacity of

50. China noted in its reply that it has always upheld the spirit of equality, mutual trust, tolerance, mutual learning and win win cooperation in different fields including HR field. China indicted also that it organized the South South Forum ion HR, the Beijing Forum on HR, the Seminar to commemorate the 30th anniversary of the adoption of the Declaration on the Right to Development, and the 16th Asia- Europe informal Seminar on HR.

51. China revealed also that it has announced during its presentation of its third report before the HRC in application of the UPR process that it would contribute US Dollar 800.000 annually to the OHCHR in the next five years. Finally China emphasised that over the past 60 years it has provided nearly 600 billion Yuan of assistance to 166 countries and organizations, and has trained more than 12 millions personnel of various types and dispatched more than 600.000 aid workers to developing countries. Also, China noted that since 2012 it has continued to provide assistance to other developing countries in reducing poverty, improving people s livelihood and prompting the development of HR.

 VI. International and regional organisations, specialized agencies, States, national human rights institutions, non-governmental organizations and technical assistance.

(Comment: This Chapter should contain information provided to the Committee by other International and regional organizations, specialized agencies (if any) States, NHRI, NGOs and OHCHR. The information from OHCHR should include:

(a) Cooperation of OHCHR with UN Country Teams in the Common Country Analysis and the UN Development Assistance Framework;

(b) Cooperation of OHCHR with UNDP in the joint programme for Human Rights Strengthening and in the joint initiative of Assisting Communities Together;

(c) Cooperation of OHCHR with UNICEF, UNESCO, UNFPA, UNIFEM, UNHCR etc. and

(d) Cooperation of OHCHR with OUA, OAS, OSCE etc.)

 VII. Human Rights Council and technical assistance.

52. The HRC is the principal inter-governmental forum within the UN system concerned with questions relating to HR. The Council was created by the UNGA resolution A/RES/60/251 of 2006; it is provided with a comprehensive mandate according to which it –shall be responsible for promoting universal respect for the protection of all HR and fundamental freedoms for all; without distinction of any kind and in fair and equal manner-as para.2 or resolution A/RES/60/251 stipulates. Among its aims is to prevent and combat HR violations; including gross and systematic violations. It also works to promote and coordinate the mainstream of HR within the UN system. One of Its main tasks is to insure effective and real application of HR as guaranteed by different international instruments adopted under the auspices of the UN.

53. The HRC undertake its functions through addressing situations of violations of HR around the world, establishing international standards in the area of HR, developing instruments and finally it promotes HR through dialogue and especially via providing TA and reinforcing CB. In performing its functions the HRC receives substantive and technical support from the UN OHCHR..

54. Thus, TA and CB constitute one of the most important aspects of the HCR mandate, it is used as a real means of improving country specific HR situations. In fact Agenda Item 10 is a permanent subject in all sessions of the HRC.

55. The HRC emphasized in resolution A/HRC/39/L.3 of the 28/9/2018 that the general debate under agenda item 10 is an essential platform for members and observers of HRC to share their visions and views to promote more effective technical cooperation and CB in the field of HR; and to share concrete experiences; challenges and information on assistance needed in the implementation of their Hr obligations and voluntary pledges and commitments; and of accepted UPR recommendations and their achievements and good practices in this area.

56. The HRC reiterates in para. 2 of the resolution that TA and CB in the field of HR continue to based on consultations with and the consent of the state concerned ; and should take into account their needs and all HR are universal; indivisible; interdependent and interrelated and aim to make a concrete impact on the ground.

57. Countries considered under Agenda Item 10 includes Cambodia, Central Africa Republic, Somalia, Sudan, Libya, Ivory Coast, Rwanda.

58. HR situation in those countries are deemed worthy of the council s regular attention; however, the cooperation of the beneficiary state is required for the success of any action of assistance by the council.

59. Thus, in its 40th session the HCR by its resolution A/HRC/40/L.6/Rev.1 requested the OHCHR to provide TA and CB to Libya on its request to promote and protect HR and prevent and ensure accountability for violations and abuses of HR. Also, it requested the OHCHR to work closely with the government of national accord; relevant UN body; the African Union and all other relevant regional and international organizations. The HCR requested further; the Secretary General of the UN to provide the OHCHR with resources necessary for the full implementation of the above mentioned resolution.

60. The HRC in its resolution A/HRC/39/L.19/Rev.1 of 28/9/2018 invited all bodies of the UN system, including UN OHCHR, and member states to assist the transitional process in Yemen, including by supporting the mobilisation of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen.in para.16 of the resolution the HRC requested the OHCHR to continue to provide substantive CB;TA and advise and legal support to enable the national commission of inquiry to complete its investigation work.

61. At its 36th session the HRC in its resolution 36/27 of 29/9/2017 the council requested the independent expert on Somalia to work closely with the government of Somalia ;all the UN bodies ;the African Union and all stakeholders to assist Somalia in the implementation of its domestic and international obligation; HRC resolutions and other HR instrument; recommendations accepted during the UPR

62. The HRC also, requested the OHCHR and other relevant UN agencies to provide the independent expert with all the human technical and financial assistance necessary to carry out its mandate.

63. The HRC in its 39th session in resolution A/HRC/39/L.9 which was titled TA and CB in the field of HR in Central African Republic encouraged members of the UN within the framework of international cooperation, the relevant UN bodies, international financial institutions and other international organizations concerned and donors to provide the Central African Republic with TA and support for CB with a view to promoting respect for HR and undertaking reform of justice and security sectors.

 VIII. The High Commissioner for Human rights and technical assistance.

64. The OHCHR mandate is to promote and protect HR worldwide through international cooperation ; and through the coordination and streaming of HR efforts within the UN system

65. Technical assistance is a very important component of OHCHR programme, which aims at assisting states and other HR stakeholders in their efforts for the promotion and protection of HR and even for the prevention of discrimination.

66. The OHCHR provides TA through expert advisory services, training courses, workshops and seminars, fellowships, grants, provision of information and documentation, and assessment of domestic human right’s needs. The programme is anchored on the engagement with the International Human Rights Mechanisms.

67. Components of the programme include for example provision of legal advice on human rights issues for their incorporation in policies and practices; facilitation of learning, knowledge transfer and sharing of experience in the realization and promotion of human rights and strengthening of national institutions; deliver human rights education programmes as to promote a human rights culture; raising human rights awareness; communicating on successful programmes and partnerships; facilitating dialogue between diverse stakeholders on human rights issues and supporting engagement and functioning of the International Human Rights Mechanisms.

68. The OHCHR cooperates with states and national stakeholders to make the national system for the protection and promotion of HR work better; this is done essentially in close partnership with other UN agencies and institutions, regional organizations, national HR institutions, civil society and academia.

69. Technical assistance is offered by the OHCHR always at the request and the consent of states, it begins with a full assessment of the situation of HR in the concerned state, with the aim of bringing the laws, policies, institutions and practices of that state with the agreed international standards.

70. One of the main arms of the OHCHR in providing TA is the field operations and technical cooperation division – FOTCD-it has geographical branches nearly in all continent. In 2018 the OHCHR has 12 regional offices covering the five continents these offices play a crucial role in promoting and protection of HR in the countries of each region also they work closely with the regional organization such as the African Union and the OAS and the European Union

71. The OHCHR has also in 2018 14 country offices their main tasks include monitoring, public reporting, providing TA and development of national capacities to address HR issues.

72. Examples of TA to states and regional organizations undertaken by the OHCHR includes helping Mexico in 2013 to give constitutional status to all its obligations guaranteed by the conventions ratified by the state, also, assisting Myanmar in 2013 to set up its NHRI in line with Paris principles.

73. The OHCHR supported the European Union member states to apply a HR approach to combat trafficking in persons at the border control, the assistance was done in close cooperation with many socialised agencies of the UN. The OHCHR helped the Russian Federation authorities through TA to implement a HR Master degree program, it assisted Laos and Thailand to prepare their reports on UPR and the follow up of its recommendations.

74. -Haiti and Morocco were assisted by OHCHR to set up their interministriel HR committees, which overlooks the preparation of their reports to the UN different bodies.

75. Paraguay has benefited from the support of the OHCHR in launching the system for Monitoring Recommendations; portal which facilitates the systematization of HR recommendations made by the UN human rights mechanisms and the Organization of American states. This important tool gives direct access to reliable information on the status of the state implementation of the recommendations made to the State. This tool strengthens the transparency and accountability of the country.

76. The OHCHR has also assisted some developing states in establishing and strengthening of judicial accountability mechanisms. Thus in 2006 the Togolese government requested the OHCHR to support the creation of the truth, justice and reconciliation commission as a tool of areal transitional justice. the OHCHR responded positively and in coordination with the UN country team ;the UNDP and international donors advise and CB was provided by organizing national consultations and supporting the drafting of the legal documents which establish the TJRC in line with HR standards and by providing training to TRJC staff.

77. The OHCHR has worked closely with Tunisia after the revolution of January 2011, first to help with the drafting of the new constitution which resulted in in the inclusion of different HR in line with international standards, and the establishment of bodies relating to elections, justice and the media all in line with the nationally recognized standards.

78. The OHCHR has also, helped Columbia in the field of land reparation restitution process which was introduced after the end of the civil war. The OHCHR has assisted El Salvador in the development of a national protocol for the investigation of feminicide.

79. The OHCHR has assisted some states to introduce measures in their laws to improve access to justice and basic services. In Senegal for example the OHCHR regional office for west Africa provided technical advice for the drafting of a new nationality code which ended the differential treatment of men and women in the field of transmission of nationality through marriage, child birth and adoption the work was based on the final observations of the Committee on the elimination of discrimination against women.

80. In Cambodia the OHCHR has assisted the government in many actions concerning the subject of strengthening a rule of culture for instance by giving support to the ministry of justice to organize round table discussions with judges on the subject of pre-trial detention. Also in 2013 the OHCHR launched the first ever Cambodia course for lawyers on fair trial

81. In the Philippines. the OHCHR has assisted the government on its request and with the coordination of the Special rapporteur on adequate housing in the drafting of an important document on HR standards on housing, land and land property rights of populations affected by typhoon Yolanda. In Lebanon, the OHCHR has assisted the government in developing a code of conduct for the protection of migrant domestic workers. In Guatemala the OHCHR together with UNDP, UNISCO and UNICEF gave assistance to the government to implement the Maya programme which was established in 2009 to empower the ingenious populations to achieve stronger negotiating power and participation in public life the intervention of the OHCHR together with the mentioned specialized agencies has led to positive outcomes, such as the establishment of a support network for organizations working on indigenous rights and an increase use of national and regional protection systems by those organizations.

82. Finally the OHCHR has assisted many developing countries especially in developing national systems of HR, inclusive participation in decision making and development and monitoring of public policies. In Kenya, the OHCHR supported the thematic working group on – Governance, judiciary, security and the rule of law- and the working group on – Gender, vulnerable groups and youth.

83. The OHCHR also has helped Uganda, Ecuador, State of Palestine and Serbia in implementing a HR vision of development, HR in development planning, a rights-based framework for development and developing a consultation methodology for Roma communities respectively.

 IX. Technical assistance and capacity building in reporting to treaty bodies and implementing their recommendations

84. Under operative paragraph 17 of Resolution 68/268 adopted by the General Assembly on 9 April 2014, the Assembly requested the Secretary-General, through the Office of the High Commissioner for Human Rights, to support States parties in building their capacity to implement their treaty obligations, and provide in this regard advisory services, technical assistance and capacity-building, in line with its mandate, in consultation with and with the consent of the State concerned..

85. Pursuant to the Assembly’s request, the Office of the High Commissioner for Human Rights created in 2015 the Treaty Bodies’ Capacity Building Programme consisting of a group of staff at the Geneva Office and a number of capacity-building officers in OHCHR’s regional presences.

86. The aim of the Programme is to:

(a) organize regional train-the trainers events annually to equip potential trainers from among State officials with the knowledge and skills to provide support to States parties to treaties in their engagement with Treaty Bodies;

(b) establish a roster of trainers from among State officials with extensive experience in Treaty Body reporting, create a community of learning and facilitate the exchange of lessons learned among roster member;

(c) provide assistance to requesting States parties on the establishment of National Mechanisms for Reporting and Follow-up and prepare a Study and Practical Guide on key features of the Mechanism;

(d) Provide assistance to requesting States parties for treaty specific reporting including the preparation of Common Core Documents;

(e) Maintain and update the Universal Human Rights Index and Treaty Body Database;

(f) Create a capacity building portal on reporting to Treaty Bodies;

(g) Launch a general training manual on treaty reporting; and

(h) Develop treaty-specific training modules, including online.

87. Among the achievements of the Treaty Bodies’ Capacity Building Programme, the following should be mentioned:

(a) The publication of the Practical Guide and Study on National Mechanisms for Reporting and Follow-up;

(b) The publication of the Training Guide which is divided in two parts: i) the Manual on the Treaty Body reporting process and ii) The Facilitator’s Guide on treaty reporting.

(Comment: An updated list of achievements and statistical data should be provided by OHCHR, including assistance in:

(a) the submission of outstanding State party reports;

(b) responses to lists of issues;

(c) updated new common core documents;

(d) improved dialogues before Committees;

(e) the establishment of National Mechanisms for Reporting and Follow-up)

 X. Achievements and obstacles on technical assistance.

 XI. Best practices on technical assistance and capacity building.

 XII. Recommendations

1. The present report was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-2)