Berne, 7 January 2019

**Switzerland’s submission on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights**

**The term “mutually beneficial cooperation” and human rights**

“Mutually beneficial cooperation” (MBC) is a recent term, which has found its way into a number of UN resolutions, including in the context of human rights. It is unclear what the term exactly entails and how it relates to existing human rights norms and standards. It is therefore necessary to have a common understanding of what the expression means in the existing human rights framework. Any new concept ought to build on and enhance existing human rights principles for it to be a valuable and effective contribution. It should in no way impede the monitoring of human rights situations nor prevent states from being held accountable for violations. Human rights are universal, interdependent, indivisible, interrelated and without a hierarchy between them. They need to be equally respected, protected and fulfilled by all states, regardless of their economic development and their political or cultural systems.

MBC as a concept might be conceivable in settings where all involved parties are supposed to stand on an equal footing, as for instance in inter-state relations and where parties are able to freely agree or disagree on the terms at hand. An individual, however, does not stand on the same footing as a state. The purpose of human rights, therefore, is to make it compulsory for states to respect, protect and fulfil the rights of individuals. Human rights are not contingent on reciprocity or mutual benefits for their validity, since they are inalienable. Their focus is on the individual human being. There can be no other beneficiary of human rights protection but the individual. Considering the above points, it remains unclear how the term MBC will enhance the promotion and protection of human rights.

**International cooperation and human rights**

International cooperation is essential for the advancement of human rights, as set out in the Universal Declaration of Human Rights, human rights treaties and resolutions. The Universal Periodic Review plays an important role in this regard. However, international cooperation is but one tool in a set of tools aimed at achieving the full protection and promotion of human rights for all human beings. The human rights system such as the Human Rights Council and its mechanisms as well as the Treaty Bodies are equally relevant. They play an important role in monitoring human rights and in making the voice of victims heard. The notion of “cooperation” should not be used as a means to silence critical voices.

An open and straightforward dialogue is an important aspect of cooperation and has to include all relevant stakeholders, including mechanisms mandated by the international community, such as special procedures, as well as human rights defenders, victims, civil society, NGOs, journalists, and others.

**Conclusion**

MBC is a term that is not sufficiently defined. Attempts to clarify its potential usefulness to the domain of human rights raise questions as to the ultimate intention of its main proponents. In this regard, Switzerland remains skeptical regarding the added value of this new concept.