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**Promotion and protection of all human rights, civil
political, economic, social and cultural rights,
including the right to development**

Universal Periodic Review

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights, in accordance with paragraph 10 of Human Rights Council resolution 16/22

Summary

This is a compilation of responses from States and stakeholders to a questionnaire on the Voluntary Fund for Financial and Technical Assistance. It does not contain any opinions, views or suggestions from the Office of the United Nations High Commissioner for Human Rights.

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I. Introduction

1. In its resolution 6/17 adopted on 28 September 2007, and entitled “Establishment of funds for the universal periodic review mechanism of the Human Rights Council” the Human Rights Council requested “the Secretary-General to establish a new financial mechanism called the Voluntary Fund for Financial and Technical Assistance to be administered jointly with the universal periodic review Voluntary Trust Fund [...] 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”.

2. The Voluntary Fund for Financial and Technical Assistance (VFFTA) has since been established and States have commenced making contributions to this Fund. As of 23 November 2011, seven States have either contributed or pledged to contribute to the VFFTA. These contributions are annexed hereto.

3. In its resolution 16/22 adopted on 25 March 2011, and entitled “Enhancement of international cooperation in the field of human rights”, 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 for Financial and Technical Assistance, 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 requests the Office to provide the Council with a compilation of those views at its nineteenth session.”

4. Pursuant to the aforementioned request, OHCHR prepared a questionnaire which was made available via an online survey on 5 October 2011, and which is annexed hereto. An invitation was extended to States and relevant Stakeholders¹ to participate in this survey, which closed on 4 November 2011. Ten States and 11 stakeholders participated in the survey.² A compilation and summary of the responses appear below.

II. Compilation of responses from States and stakeholders

A. On how the Voluntary Fund for Financial and Technical Assistance could contribute to the implementation of accepted recommendations

5. Colombia stated that a lack of financial and technical resources to implement recommendations hindered the identification and delineation of accomplishment strategies, goals and progress indicators. The VFFTA could support States in these endeavours, which are needed for the continuous and organized follow-up of progress on the implementation of the recommendations. The VFFTA could also be useful in supporting the dissemination of the recommendations and promoting awareness at all levels, as well as supporting States

¹ Stakeholders include “NGOs, national human rights institutions, human rights defenders, academic institutions and research institutes, regional organizations, as well as civil society representatives” (See “Universal Periodic Review: information and guidelines for relevant stakeholders’ written submissions”; <http://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf>)

² The questionnaires for Algeria and Tunisia, as well as seven Stakeholders were incomplete.

in the design, establishment and implementation of specialized information systems for the follow-up of recommendations and voluntary pledges.³

6. Denmark stated that the VFFTA should aim to establish and strengthen coordination mechanisms, to devise road maps for the follow-up of recommendations and to implement key recommendations. It further stated that it was important for all parties to actively support the UPR mechanism and that this support should include financial contributions to the VFFTA.

7. Guyana stated that the follow-up to commitments made by States during their respective reviews were fundamental and essential to the UPR process. The main challenge was to ensure that the norms and standards of the international human rights systems are translated into action. To that end, the implementation of international human rights obligations cannot depend on political will alone. In many instances, obligations will not be fulfilled, or fulfilled in a timely manner, because of the paucity or lack of necessary mechanisms, poor communication and dissemination, complex political situations, lack of capacity and resources at the institutional level, or difficulties of implementation due to competing and immediate demands on limited resources. In this regard, the VFFTA provided a critical and missing component in the implementation of States' commitments, especially with regard to developing countries.

8. Guyana further stated that any system developed to implement the VFFTA will have to be efficient, realistic and directly linked to the provision of financial and technical cooperation or human rights advisory services, as requested by States. The VFFTA should assist States to access technical and financial resources to facilitate overcoming some of their capacity constraints. The VFFTA should specifically target the least developed countries, newly emerging or restored democracies, countries where there has been a regression in human rights as well as small and vulnerable States, which face particular challenges in attaining the realization of human rights. In addition, the VFFTA can assist in enabling the States to develop road maps and practical mechanisms to ensure a reliable follow-up and implementation process. Technical cooperation programmes can facilitate in the exchange of best practices between States and allow for more country-specific and country-driven goals achievable within a reasonable time frame, depending on the level of development constraints of a State, while at the same time recognizing the imperative of national capacity-building.

9. Guyana added that the VFFTA can contribute to and be integrated into the United Nations Common Country programming cycles, including the United Nations Development Assistance Framework (UNDAF). Therefore, the VFFTA could positively contribute to the implementation of commitments made by States, especially small developing countries.

10. Japan stated that reviews from the second cycle onwards should focus, inter alia, on the implementation of the preceding outcome. In order to support the follow-up to accepted recommendations, Japan reiterated its previous proposal that beginning with the second cycle of the UPR: (a) each State should make its own best efforts to follow up on its recommendations and where these efforts are inhibited by a lack of resources and/or know-how, relevant United Nations agencies including OHCHR are encouraged to provide assistance; (b) each State should group its accepted recommendations into those recommendations that it can implement on its own (first group) and those recommendations for whose implementation international assistance is required (second group), and provide this information to the Secretariat for circulation. In relation to the second group of recommendations, the State should call on bilateral donors and relevant United Nations

³ Colombia conveyed its responses to the survey in a note verbale, dated 16 November 2011.

agencies, including OHCHR, for assistance. Those States that made recommendations that fall into the second group should seriously consider extending assistance for their implementation; (c) each State should submit to the Secretariat, no later than two years after the adoption of its UPR outcome, a concise follow-up report (mid-term report) on the state of implementation of its accepted recommendations, which should be disseminated to all States; (d) OHCHR should be requested to create a list of the projects which require further international assistance based on the information submitted by States in their mid-term follow-up reports; and (e) the VFFTA should be enhanced to support the UPR follow-up.

11. Mauritius stated that contribution to the implementation of accepted recommendations could be made by (a) establishing national focal points that will serve as formally recognized bodies for human rights issues; (b) setting up strategic partnerships with educational institutions, NGOs and CBOs, ministries, the private sector, the media and journalists; (c) strengthening national capabilities through training; (d) conducting periodic in-the-field evaluation and monitoring; and (e) establishing networks that may be regional or topic-related.

12. Sweden stated that it was a good idea to assist States with the implementation of recommendations. The VFFTA should continue to report on UPR outcomes, exchange information regarding experiences and best practices, and to integrate UPR outcomes into United Nations country programmes. The VFFTA should not exclude those recommendations that have not been accepted by States, provided such recommendations were in line with international human rights standards. The Human Rights Council should also review the internal and external efficiency and operationality of the VFFTA.

13. Uganda stated that the VFFTA should be used for capacity-building of State institutions and for the sensitization of civil society and other stakeholders towards appreciation and respect for human rights. It should also be used to facilitate regular review meetings.

14. CIVICUS stated that access to the VFFTA for States should be contingent on their engagement with a broad cross-section of civil society with regard to their development of human rights policies. This engagement will also enable civil society organizations to monitor and assess States' implementation of recommendations. Funding from the VFFTA should also be directly available to civil society organizations for these purposes.

15. International-Lawyers.org stated that the VFFTA should be used to provide resources for advice, training, sharing of best practices, and for visits of officials to other countries.

16. UNITED for Intercultural Action (Prague Office) and Defenders of the Rights of the Child (Czech section) stated that States should establish and finance a programme to support the engagement of civil society organizations in improving awareness of the UPR and the implementation of the recommendations.

17. UPR-info stated that the VFFTA should be used by OHCHR to monitor the implementation of recommendations in order to provide the Human Rights Council with an objective assessment of the progress made by States during their review in the second cycle.

B. On the sustainability of and accessibility to the Voluntary Fund for Financial and Technical Assistance

18. Colombia stated that one of the ways to guarantee sustainability of the VFFTA is through the collaboration of all States and the strengthening of their cooperation in the field of human rights. This could be done through agreements between States to support the

implementation of some recommendations and voluntary pledges, taking into account the most outstanding priorities of the country. There should also be constructive dialogue on the follow-up to the recommendations, as well as external collaboration coupled with internal efforts to strengthen measures in order to improve the human rights situation in the State concerned.

19. Guyana stated that in order to ensure the sustainability of the VFFTA, the idea of private donations from non-traditional donors should be explored. Broadening the donor-base is a necessity and OHCHR should seek to enhance dialogue with representatives from non-traditional donor countries. Also, pledges made to the VFFTA must be available in a predictable and timely manner to assist OHCHR and the beneficiaries to effectively and efficiently plan and implement the programmed activities.

20. Guyana further stated that OHCHR has become heavily dependent on voluntary contributions to the VFFTA for core and mandated activities that ideally should remain within the regular budget. Funds from the VFFTA can be reallocated to other areas by OHCHR at any given time and this could have a negative effect on the sustainability of the VFFTA as a source to assist States in the implementation of accepted recommendations. Therefore, the VFFTA should be specifically earmarked to assist States in the implementation process.

21. Guyana also stated that OHCHR should ensure that funds from the VFFTA are easily accessible to States requesting assistance and that such requests should be executed in a timely manner. In this regard, a lengthy needs assessment should be avoided and priority should be given to States that are most challenged in implementing their commitments.

22. Japan stated that the VFFTA should be administered on the basis of the list of projects where international assistance is required. As Administrator of the VFFTA, OHCHR should make the “necessity” of the VFFTA well-known and regularly make periodic appeals for contributions to this Fund, in order to replenish the resources therein. On these occasions, OHCHR should also provide an adequate explanation of the status of the allocation and disbursement of the VFFTA in order to ensure the transparency of the Fund’s activities.

23. Mauritius stated that the sustainability of the VFFTA could be ensured by: (a) forming strategic partnerships with the private sector, the media and others; (b) signing memoranda of understanding with commitments for actions, activities and further detailed training, and which may include revenue raising measures or similar commitments; (c) sponsorships; (d) strengthening NGO participation and networking accessibility, subject to the approval of National Focal Points;⁴ and (e) establishing frameworks for funding intervention.

24. Sweden stated that the opportunity of assisting States in following up on UPR outcomes would be greater if OHCHR had a presence in these States. It suggested that States, when requesting assistance from the VFFTA, should provide a preliminary action plan on how recommendations would be implemented and that this should include the time frame for such implementation.

25. Timor-Leste stated that the allocation of money from the VFFTA should be made in accordance with the needs of the State in question and based on specific requests for support for specific programmes. Access to the VFFTA should not be limited to, and its use should not be determined solely by, contributing States. OHCHR should play the role of

⁴ See para. 11 above.

“facilitator” of VFFTA but it should refrain from any attempt at identifying areas where requesting States should prioritize the allocation of funds.

26. Uganda stated that developed countries and donors should be invited to contribute to the VFFTA. States that are poor or emerging democracies, or democracies in transition should be able to access the VFFTA provided that they are committed to improving their human rights records.

27. CIVICUS stated that the sustainability of the VFFTA will depend on its effectiveness in advancing human rights within the States that receive financial and technical support from the Fund. An essential factor for ensuring the effectiveness and sustainability of the VFFTA would be the engagement of civil society organizations in both the formulation of States’ coordination mechanisms and road maps for implementing recommendations as well as the monitoring and assessment of their effectiveness in ensuring respect and protection for human rights.

28. International-Lawyers.org stated that the ability of States to contribute to the VFFTA and the possibility of making contributions “in kind” should be considered.

29. UNITED for Intercultural Action (Prague Office) and Defenders of the Rights of the Child (Czech section) stated that it was necessary to assist not only least developed countries but countries in transformation, on the condition that a portion of the funds from the VFFTA is allocated for civil society organizations.

Annexes

Annex I

Voluntary Fund for Financial and Technical Assistance for the Implementation of the UPR

Voluntary contributions from 1 January 2008 to 23 November 2011

<i>Donor</i>	<i>US\$</i>
Biennium 2008-2009	
Colombia	40,000
Russian Federation	450,000
United Kingdom	45,326
Biennium 2010-2011	
Germany	148,148
Russian Federation	150,000
United Kingdom	133,707
Morocco (pledge)	500,000
Total	1,467,181

Annex II

Survey questionnaire on the contribution of the Voluntary Fund for Financial and Technical Assistance for the Implementation of the UPR

Contribution of the Voluntary Fund for Financial and Technical Assistance to the Implementation of UPR Recommendations (HRC resolution 16/22 of 25 March 2011)

The Universal Periodic Review (UPR) was created through the UN General Assembly on 15 March 2006 by resolution 60/251, which established the Human Rights Council (HRC) itself.

The UPR is a cooperative process which by 2011, will have reviewed the human rights records of all United Nations Members of States. As part of the second UPR cycle, all countries are scheduled to be reviewed again between 2012-2016, following the same order of review.

With a view to provide a source of financial and technical assistance to help countries implement recommendations emanating from the UPR, in 2007, the HRC established a new financial mechanism called the Voluntary Fund for Financial and Technical Assistance (resolution 16/17).

On 25 March 2011, the HRC adopted resolution 16/22 on the enhancement of international cooperation of the human rights and requested the Office of the United Nations High Commissioner for Human rights “ to seek the views of the States and relevant stakeholders on the contribution of the Voluntary fund for Financial and Technical Assistance, in particular with regards to its sustainability and accessibility, to the implementation of recommendations accepted by States as part of their universal periodic review that require review financial support, and also requests the Office to provide the Council with a compilation of those views at its nineteenth session.

This questionnaire has been prepared by OHCHR in response to the request of the HRC to seek the views of States and relevant Stakeholders on the contribution of the Fund to the implementation of UPR recommendations. A compilation of the responses received by 04 November 2011 will be submitted to the HRC in March 2012.

Information on the Voluntary Fund for Financial and Technical assistance can be found in the following link:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRVoluntaryFundFinancialAndTechnicalAssistance.aspx>

1. Country

[...]

2. Views from:

State

Stakeholder: *Specify* : (National civil society group, National network of civil society, Regional/ International civil society group or network, National Human Rights Institution, Network of National Human Rights Institution, Regional organization)*

UN entity: *Specify**

Other: *Specify**

*Please specify here: [...]

3. Provide your views on how the Voluntary Fund for Financial and Technical Assistance created by the Human Rights Council to provide, in conjunction with multilateral funding mechanism, a source of financial and technical assistance-can contribute to the implementation of recommendation accepted by States as past of the universal periodic review.

[...]

4. The Human Rights Council has urged all members States, observers and others stakeholders of the Council to support the operationalization of the fund. The Voluntary Fund for Financial and Technical Assistance is administered OHCHR and it became operational in 2010. In line with resolution 16/7, OHCHR has used the Fund to assist interested countries to establishing and strengthening coordination Mechanisms, devising road maps to follow up on UPR recommendations and implementing key recommendations emanating from the UPR, Provide your views on how the Human Rights Council and /or OHCHR can ensure the sustainability and accessibility to the Fund by concerned countries.

[...]

5. Person/Institution completing the questionnaire:

Name: [...]

Mailing address: [...]

Country: [...]

E-mail Address: [...]

Phone Number: [...]

Organization website: [...]

For any related questions on UPR follow-up and related assistance to States and Stakeholders, you can contact OHCHR:

Office of the United Nations High Commissioner for Human Rights
Field Operations and Technical Cooperation Division (FOTCD)
FOTCD-UPR team
Email: UPRfollow-up assistance@ohchr.org