

**REPORT
OF THE 23rd SESSION OF
THE BOARD OF TRUSTEES
OF THE VOLUNTARY FUND FOR TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS
7 – 10 June 2005**

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I. ORGANIZATION OF THE SESSION

1. The 23rd session of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights (VFTC) took place at Palais Wilson in Geneva from 7-10 June 2005. The session was chaired by Thomas Hammarberg from 7-9 June, and by Ligia Bolivar on 10 June, following Mr. Hammarberg's departure. The session was opened by the Chief of the Capacity Building and Field Operations Branch, Fabrizio Hochschild. All members of the Board – Thomas Hammarberg, Ligia Bolivar Osuna, Mary Chinery-Hesse, Vitit Muntarbhorn, and Viacheslav Bakhmin - attended the session. The Deputy High Commissioner and Mr. Hochschild held a working lunch with the Board.
2. The secretariat for the session was provided by the Project Management and Technical Cooperation Unit (PMU): Peter Hellmers, Teresa Albero, Hannah Wu, Josette d'Agostino, Janet Weiler and Mélanie Lorieu.
3. At its opening session the Board adopted the provisional agenda (see Annex) and had a fruitful exchange with the recently appointed Chief of the Capacity Building and Field Operations Branch. Mr. Hochschild presented his assessment of the current situation of the Branch comprised of talented and committed staff lacking the administrative and logistic support to carry out their work, as well as of the necessary procedures and guidelines to ensure a coherent one-Office programme. In his view, a new mindset is required so as to do away with the current "disconnect" between field offices and headquarters by shifting from the servicing of intergovernmental bodies to the servicing of right holders. The vision is to move towards a stronger independent organization capable of effectively engaging with UNCTs and peacekeeping missions.
4. The Board acknowledged the advantages of having a fresh look at the situation and expressed appreciation for Mr. Hochschild's assessment. The Board noted that the field has to be given the opportunity to drive the agenda. It added that the success of the Office will very much depend on its capacity to define a clear identity for itself and to safeguard the impartiality of the human rights programme.

II. OVERVIEW OF THE TECHNICAL COOPERATION PROGRAMME, INCLUDING FINANCIAL SITUATION OF THE VFTC

5. The Secretariat informed the Board about OHCHR management's decision to transform the Project Management Unit (PMU) - responsible for servicing the Board - into a central Policy, Planning, Monitoring and Evaluation Unit (PPMEU). The Board noted that this change is likely to enhance the Board's policy advisory role, but that this would always remain within the terms of reference established by the Commission on Human Rights.
6. The Resource Mobilization Unit briefed the Board about the financial situation of the fund. There is currently no reason to expect that contributions for 2005 would be lower than last year's. By July, the Mid-Year Review will have helped to identify fund shortages within the Office, allowing the Management Board to take the necessary decisions to allocate existing unearmarked contributions. It also noted that

with a strong leadership in place, the time has come to actively explore contributions from private foundations.

7. While acknowledging OHCHR's recent improvements in the area of fundraising, the Board advocated for a stronger focus on the country level as a response to the donors' decentralization trends. It also recommended that efforts continue to be made to ensure funding stability and predictability, especially relevant for an organization like OHCHR, for which staff costs are heavy.

III. TECHNICAL COOPERATION IN THE CONTEXT OF THE SECRETARY-GENERAL'S PROGRAMME OF REFORM

8. The Board was briefed on the High Commissioner's "Plan of Action on strengthening OHCHR" (PoA), which follows from the Secretary-General's request in his "In larger freedom" report. Mr. Kedzia, who led the team responsible for the drafting of the PoA, emphasized that the document outlines a vision for the future direction of the Office. He underlined that the PoA is also relevant even without a UN reform. The Board was then briefed about the possible implications of the PoA for the Technical Cooperation Programme.

9. The Board welcomed the PoA and its focus on country engagement. It also welcomed the difficult but fundamental message that monitoring is an integral part of OHCHR's mandate and the identification of protection as the core of OHCHR's mandate. OHCHR needs a communications strategy that would describe in detail the different modalities of country engagement in order to ensure the support of governments. Clarity of criteria and impartiality are crucial for the Office to succeed in this endeavour. The potential role of treaty bodies in engaging countries in a more constructive way should not be underestimated.

10. The Board pointed out two questions which, in its opinion, were not clearly reflected in the PoA. First, the importance of linking human rights to global security issues and therefore of focusing not only on conflict resolution, but also on conflict prevention and the development of early warning systems. Second, the value of considering the rest of the UN system, and OHCHR's comparative advantage within that system, in defining OHCHR's vision and identity, especially in a context of scarce resources.

11. The head of CBB ensured the Board that OHCHR remains committed to pursuing partnerships with other UN actors. He added that a stronger and independent OHCHR would ensure more effective partnerships in working towards a common objective.

12. The Board was then informed about OHCHR's initiative to undertake a review of its field work as a follow-up to the High Commissioner's PoA. Taking the strategic directions outlined in the PoA as a starting point, the review is intended to provide an OHCHR field policy and to develop a plan for field deployment for the next two years. CBB's Chief requested the Board's involvement in this exercise, as an expert and independent body. The Board agreed to play a role in the review by providing written comments both at the beginning - once the criteria for the review had been clearly established (2nd week of July) - and at the end of the process (end of August).

IV. REVIEW OF REGIONAL ACTIVITIES, STRATEGIES AND PLANS IN THE ASIA-PACIFIC AND ARAB REGIONS

Asia-Pacific Framework

13. Vitit Muntarbhorn, a member of the Board, briefed the participants on a proposal for reshaping **the Asia-Pacific Framework** in the Field of Human Rights. The proposal was prepared by him at the request of OHCHR and will be discussed with Governments of the region in the coming months.

14. The Board noted that the proposal was consistent with the High Commissioner's Plan of Action.

15. The Board endorsed the proposal and its main features, namely placing protection as the Framework's ultimate objective; building on existing sub-regional initiatives; enhancing the participation of civil society and national institutions; and moving into a five-year programme to be endorsed by a regional meeting at the highest level.

Country situations: China, Islamic Republic of Iran and Nepal

16. OHCHR staff members reported to the Board on the findings and recommendations of the recent independent evaluations of OHCHR's technical cooperation projects in China and the Islamic Republic of Iran.

17. On **China**, the Board observed that the vision outlined in the High Commissioner's PoA should be applied in that country. The development of a strategy for country engagement should incorporate all elements of the human rights programme: technical cooperation, treaty bodies, and special procedures. The Board noted that the High Commissioner could play a role in coordinating the human rights dialogue with China among bilateral and multilateral actors.

18. The Board recommended that the next phase of the project be characterized by a focused and coherent programme and that emphasis be put on "shared ownership", which would include exploring cost sharing. It stated that OHCHR needed to continue its efforts to engage the UNCT while reinforcing its own role, if necessary with the support of Headquarters.

19. The Board strongly recommended that OHCHR devote more human and economic resources to China, taking into account its size, complexity and important strategic role.

20. On the **Islamic Republic of Iran**, the Board expressed its concern about the sustainability of the project and regretted the lack of support from Headquarters. In this context, the Board drew the Office's attention to the role sub-regional and regional offices could play in providing substantive support to country interventions.

21. OHCHR's desk officer for **Nepal** updated the Board on the Office's agreement with the Government of that country to open a field office. The Board noted that the major challenges were to open an office in the context of an open conflict and to

define its role in working toward a peace process. The Board underlined that OHCHR's major investment in Nepal will be seen as a model for the Office's new approach and, therefore, as a test for its capacity to backstop. In this context, the Board recommended that priority be given to this important operation in one of the poorest countries in the world.

Technical cooperation activities in support of human rights components of peacekeeping missions: Afghanistan, Timor Leste and Iraq

22. The board was briefed by OHCHR's desk officer on OHCHR/UNAMI (United Nations Assistance Mission for Iraq) Human Rights Office activities in **Iraq** where OHCHR has had a leading role in designing an inter-agency United Nations Human Rights Programme for Iraq (2005-2006) and in identifying which other actors (governmental and non-governmental) are engaged in the area of human rights. The Board noted the need for a coherent strategy to address past and present human rights violations, in order to send the right message to the new Government. It also stressed the importance of a strong civil society for the future of the country.

23. Richard Bennett, Chief Human Rights Officer in UNAMA, Afghanistan, and former head of the Human Rights Component of UNMISSET, Timor Leste, provided the Board with a comparative analysis of his experience in the two countries.

24. In **Afghanistan**, OHCHR had engaged in a joint project with UNDP and UNAMA to support the National Human Rights Commission. The minimum international footprint approach that was applied has allowed the institution to flourish. UNAMA's human rights officers were working alongside Commission staff in the regions in what was described as a "sophisticated approach to capacity-building". However the Commission continues to rely fully on international funding and needs to leave space for the Government and civil society to assume their responsibilities.

25. The Board inquired about initiatives being undertaken to ensure the funding sustainability of the Commission and about the possible implications for the institution of the recent decision of the Commission on Human Rights to discontinue the mandate of the Special Rapporteur.

26. In the case of **Timor Leste**, Mr. Bennett noted that even if OHCHR's contribution was vital in ensuring funds for technical cooperation activities in the field of human rights, the right approach would be to continue to advocate for DPKO to allocate funding for that purpose. He also stressed the importance of taking the time to engage local stakeholders in technical cooperation activities - something which was not always understood at Headquarters

27. At the request of the Board, Mr. Bennett observed that in his opinion the best human rights structure within peacekeeping missions would be one that combines human rights and the rule of law in one single unit and where the Human Rights Head reports directly to the Special Representative of the Secretary General (SRSG), and not to his/her Deputy. He also underlined the importance of requiring human rights expertise when selecting SRSGs and appointing regional heads.

V. COOPERATION BETWEEN UNICEF AND OHCHR IN THE FOLLOW-UP TO TREATY BODY RECOMMENDATIONS

28. The Board had a fruitful discussion with representatives of UNICEF and Save the Children and staff members of OHCHR's Treaties and Commission Branch on follow-up to the concluding observations of treaty bodies. The purpose of the meeting was to exchange experiences, learn from each other and discuss the possibly complementary roles of OHCHR and UNICEF in this area.

29. The Board welcomed Ms. Belembaogo, Head of the Human Rights Unit of UNICEF's Division of Policy and Planning in New York, and Bill Bell and Guy Cave, Head and member respectively of the Child Rights, Citizenship and Protection Unit in Save the Children UK. The Board noted with appreciation that this was the first time that members of a civil society organization had been invited to participate in a session of the Board.

30. Ms. Belembaogo briefed the Board about UNICEF's experience. She stressed that although UNICEF focused mainly on the work of the CRC and CEDAW, its approach was a holistic one in which child rights were considered as an integral part of human rights. She explained that UNICEF had initially centered its attention on supporting Governments' reporting efforts and that it was only with the adoption of a human rights approach that treaty recommendations had become a planning and programming tool. Strong management commitment and leadership and the integration of human rights in existing – and new - guidelines and procedures had made the change possible.

31. Ms. Belembaogo added that the concluding observations had also contributed to identifying disregarded areas in need of further research and had provided an entry point to discuss delicate issues with the authorities. However, as she pointed out, one of the major challenges ahead was making the recommendations more attractive to planning officers. In this context, UNICEF was undertaking a survey of its country offices so as to make concrete suggestions on how to transform the concluding observations into "a call for action".

32. Mr. Bell welcomed the Board's initiative to launch a discussion between UNICEF and OHCHR on follow-up to concluding observations. He informed the Board that Save the Children had recently reviewed its work with treaty bodies. According to the review, there is a long way to go in reaching out and making the concluding observations widely known so that they become the beginning, rather than the end, of a process. Mr. Bell identified two major hurdles in this attempt: first, the fact that the recommendations tend to follow a standard formula so that nationals do not feel they are sufficiently contextualized for their countries; and second, the five-year gap between the Committee's consideration of State reports.

33. OHCHR staff from the Treaties and Commission Branch briefed the Board on recent developments in the reform of the treaty bodies system, as well as on the existing follow-up mechanisms, such as the organization of sub-regional workshops. They also stressed the complementary roles of OHCHR and UNICEF in supporting the reporting process, as well as the Committees' examination of reports.

34. The Board endorsed UNICEF's recommendation to hold an OHCHR-UNICEF joint meeting at the highest level to assess collaboration between the two agencies, extract lessons learned and identify the areas in which this collaboration should be strengthened.

35. The Board endorsed UNICEF's recommendation to organize a joint workshop at the technical level to identify the difficulties faced by planning and technical cooperation officers in using the concluding observations as a programming tool, and to make concrete proposals. It would also be crucial to involve other agencies, such as the ILO, UNHCR, UNESCO and WHO, in the organization of the workshop.

36. The Board endorsed the proposal of Save the Children to systematically request Governments to provide a written comment to concluding observations.

37. The Board noted and supported existing follow-up initiatives, such as the sub-regional and regional workshops and field visits of treaty body experts. It also encouraged further discussions with other agencies to ensure follow-up to the concluding observations.

VI. HUMAN RIGHTS APPROACH TO PROGRAMMING

38. The Board heard a brief presentation on the "human rights-based approach framework". Representatives of UNICEF and Save the Children presented their experiences in applying that framework in the context of their respective programmes. Both interventions highlighted the relevance of the changes introduced by the approach, including a stronger focus on civil and political rights and a more proactive and advocacy role.

39. The Board had a lively discussion about the benefits and challenges of the human rights-based approach. On the positive side, the Board underlined that this approach has contributed to building a bridge between the development and the human rights communities, which had been working on the same problems, but on parallel tracks. The framework had also contributed to introducing important concepts like accountability, meaningful participation and non-discrimination in the development processes. The Board noted that the challenges ahead were to ensure a common understanding of the framework that would not dilute human rights standards and to operationalize the concept.

40. During the discussion, UNICEF's representative highlighted that the underlining goal was to ensure an improvement in the lives of people, but that it was too early to estimate whether the human rights approach was contributing to make that difference. The representative of Save the Children added that the human rights approach could be defended not only on the grounds of efficiency, as it had made a difference for those with whom the NGO works, but also on the grounds of principle, that is, as the right thing to do.

41. Due to time constraints the Board decided to postpone to its November meeting the consideration of the new OHCHR Guidelines for the design of technical cooperation projects.

VII. MEETING WITH MEMBER STATES

42. The acting Chairperson of the Board briefed Member States on its deliberations under the different agenda items. She welcomed the High Commissioner's Plan of Action and its forward looking elements, including its proposed shift towards an increased focus on the field and country engagement. Other members of the Board stressed the importance of ensuring that human rights issues were seen as a key element of the security and peacebuilding agendas and welcomed the paradigm shift of placing protection at the core of OHCHR's work.

43. Member States expressed appreciation for the briefing and welcomed the Board's initiative to meet with UNICEF on the follow-up to the concluding observations of treaty bodies.

44. They requested further information on a range of areas of interest, including the implications for OHCHR and for its technical cooperation programme of some of the proposals included in the Secretary-General's Programme of Reform (Fund for Democracy, creation of a Rule of Law Unit); the apparent contradiction between a more independent and field-oriented OHCHR and Action 2 of the Secretary-General's Programme of Reform and the financial situation of the fund.

45. Mr. Kedzia observed that there was no contradiction between the Plan of Action and the vision behind Action 2. He stated that OHCHR's intention was not to abdicate on its responsibilities, but rather to grow to become a reliable and stronger partner for other agencies.

46. A staff member from OHCHR Administration explained that most of the current balance in the Fund would be used to extend contracts until the end of the year. Funds were urgently needed in order to ensure the implementation of activities.

VIII. FUTURE WORK OF THE BOARD

47. The Board decided to hold its next session from 14 to 17 November 2005 in Palais Wilson. The first full day of the session will be devoted to monitoring progress on the implementation of the High Commissioner's Plan of Action. The Board agreed to continue with the practice of focusing on specific issues/countries when reviewing activities in the relevant regions, that is Africa (Uganda), Europe (Central Asia) and Latin America, for the next session. It also chose to use the results of the Field Review as a yardstick for the review of country/regional interventions. In this context, the Board requested an update on OHCHR's activities in China and Nepal for the next session.

48. In addition, the Board decided to pursue the dialogue with other development actors, such as the ILO, financial institutions and/or bilateral and regional actors on the "human rights-based approach". OHCHR's new guidelines for the design of technical cooperation projects will be discussed in that context. The Board also requested that the discussion of the outcome of the on-going HURIST evaluation on National Plans of Action be included on the agenda for the next session.

ANNEX I
SUMMARY OF MAJOR RECOMMENDATIONS, DECISIONS AND
REQUEST

Technical cooperation in the context of the Secretary-General's reform:

- The Board agreed to play a role in OHCHR's field review by providing written comments both at the beginning, once the criteria for the review had been clearly established (2nd week of July), and at the end of the process (end of August).
- The Board will devote the first full day of its next session to monitoring the implementation of the High Commissioner's Plan of Action.

Review of Regional Activities, Strategies and Plans:

- The Board endorsed the Office's proposal to reshape **the Asia-Pacific Framework** in the Field of Human Rights.
- The Board strongly recommended that OHCHR devote more human and economic resources to **China**, taking into account its size, complexity and important strategic role. The development of a country engagement strategy for China should incorporate all elements of the human rights programme: technical cooperation, treaty bodies, and special procedures.

OHCHR collaboration with UNICEF:

- The Board endorsed UNICEF's recommendation to hold an OHCHR-UNICEF joint meeting at the highest level to assess collaboration between the two agencies, extract lessons learned and identify the areas in which this collaboration should be strengthened.
- The Board endorsed UNICEF's recommendation to organize a joint workshop at the technical level to identify the difficulties faced by planning and technical cooperation officers in using the concluding observations as a programming tool, and to make concrete proposals.

Human rights approach to development:

- The Board decided to postpone to its November meeting the consideration of the new OHCHR Guidelines for the Design of Technical Cooperation Projects. In that context, the Board would like to pursue the discussion on the human rights-based approach with other development actors, such as the ILO, the financial institutions and/or bilateral and regional actors.

Annex II

Draft Provisional Agenda 23rd Session of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights

7 – 10 June 2005
Palais Wilson, 1st floor Conference Room

Day 1 (Tuesday, 7 June)

Morning session, 10:00 – 13:00

- **Opening of the session by Fabrizio Hochschild, chief of CBB**
- **Adoption of the agenda**

I. Overview of the Technical Cooperation Programme

(Peter Hellmers will provide an overview of the programme, including the financial situation of the Fund, and will brief the Board on any follow-up to their previous recommendations.

Mari Sandström will provide an overview of contributions trends, expectations for 2005, and the impact of Action 2 on the VFTC fundraising possibilities.)

Afternoon session, 15:00 – 18:00

II. Technical cooperation in the context of the Secretary-General's programme of reform for the human rights programme

(Dzidek Kedzia, head of OHCHR's reform team, will brief the Board about the High Commissioner's priorities and Plan of Action in the context of the Secretary-General's Programme of Reform.

Hannah Wu will highlight the implications of the reform for OHCHR's Technical Cooperation Programme, including the review of field activities. The Board will then discuss the issue and make recommendations.)

Day 2 (Wednesday, 8 June)

Morning session, 10:00 – 13:00

III. Review of regional activities, strategies and plans in the Asia-Pacific and Arab regions

(The board will discuss:

- 1. The review of the Asia-Pacific Regional Framework*
- 2. The recommendations of the evaluation of OHCHR's project in China*
- 3. The recommendations of the evaluation of OHCHR's project in the Islamic Republic of Iran)*

Afternoon session, 15:00 – 18:00

III. Review of regional activities, strategies and plans in the Asia-Pacific and Arab regions

(The board will discuss:

- 4. OHCHR's role in supporting human rights technical cooperation activities of peacekeeping missions: Afghanistan, Timor Leste and Iraq.*
- 5. OHCHR's new office in Nepal.)*

Day 3 (Thursday, 9 June)

Morning session, 10:00 – 13:00

IV. Cooperation between UNICEF and OHCHR in the follow-up to treaty body recommendations: the case of the CRC

(What can we learn from each other in terms of making treaty body recommendations the core of our technical cooperation programmes? What are the complementary roles of OHCHR and UNICEF in following up on the recommendations? Should the relation between the two institutions be institutionalized? How?)

Working lunch with the new Chief of Branch, Fabrizio Hochschild + DHC

Afternoon Session, 15:00 – 18:00

V. Human rights approach to programming

(RRDB will briefly present the human rights approach framework; representatives of UNICEF and Save the Children will present their experiences in applying a human rights-based approach to programming; Teresa Albero will briefly present the draft new OHCHR Guidelines for Project Design; the board will discuss the guidelines.)

Day 4 (Friday, 10 June)

Morning session, 10:00 – 13:00

Sum-up and preparing for meeting with Member States

VI. Meeting with Member States (11h)

(The Board will brief Member States on its work and answer their questions. Member States will have before them a briefing note that was sent in advance and additional information on ongoing projects and the financial status of the VFTC.)

Closing Session

(The Board will round up its discussion for this session and will discuss its plan for future work of the Board.)