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### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

#### **Report of the Secretary-General on advisory services and technical cooperation in the field of human rights\***

##### **Summary**

This report is submitted in accordance with Human Rights Council decision 2/102 requesting the Secretary-General and the High Commissioner for Human Rights to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. The report is an update of document E/CN.4/2006/104 and focuses on the work of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

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\* The present report is submitted after the deadline to reflect the most recent information.

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## I. INTRODUCTION

1. The Secretary-General has submitted to the Commission on Human Rights an annual report on technical cooperation in the field of human rights, reflecting the discussions at the meetings of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The Commission, in its last resolution on the subject, resolution 2004/81, requested the Secretary-General to continue to provide the necessary administrative assistance to the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on technical cooperation in the field of human rights. The Secretary-General was requested to submit a further analytical report to the Commission at its sixty-second session on the progress and concrete achievements made, as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund. Such an analytical report has been submitted (E/CN.4/2006/104). Subsequently, the Human Rights Council, in its decision 2/102, requested the Secretary-General and the High Commissioner for Human Rights to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. The present report is submitted in this context as an update of document E/CN.4/2006/104, focusing on the work of the Board of Trustees of the Voluntary Fund.

## II. THE BOARD OF TRUSTEES OF THE VOLUNTARY FUND

2. Members of the Board of Trustees are appointed by the Secretary-General to advise the Office of the High Commissioner for Human Rights (OHCHR) on streamlining and rationalizing the working methods and procedures of the Office's technical cooperation programme. The Board has moved away from reviewing individual projects to advising the Office on policy orientation, global vision and strategy at a broader programme level. The evolution of the role played by the Board has been appreciated by the Office, which benefits greatly from the experience and wisdom of the Board, particularly during the recent time of reform within the United Nations and OHCHR.

3. The Board holds its meetings twice a year. The twenty-fifth session took place at the Palais des Nations in Geneva from 7 to 10 November 2006. During this session, the Board of Trustees held a joint seminar on 9 and 10 November with members of treaty bodies, representatives of United Nations agencies and programmes and OHCHR heads of field presences on the recommendations of United Nations treaty bodies (see section VII below). The Board also participated in some of the OHCHR regional consultations with heads of field presence.

4. At the end of each session, the Board meets with Member States in order to brief them on its work and exchange views on issues of common interest and relevance to the technical cooperation programme. At the end of the twenty-fifth session in November 2006, owing to the holding of the joint seminar on recommendations of United Nations treaty bodies, the Board was not able to maintain its tradition of meeting Member States. It hopes that the present report will help keep Member States informed of the Board's work.

5. At the twenty-fifth session, the Board welcomed two new members: Monica Pinto (Argentina) and William A. Schabas (Canada). Mary Chinery-Hesse (Ghana) was elected as the Chairperson of the Board. The other members are Vitit Muntarbhorn (Thailand) and Viacheslav Bakhmin (Russian Federation). The following reflects the discussions of the Board of Trustees at the twenty-fifth session.

### **III. UPDATE ON RECENT DEVELOPMENTS AT THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

6. The High Commissioner's Strategic Management Plan 2006-2007 (SMP) and the May 2005 Plan of Action have set the direction and priorities for the current biennium and beyond. The Board of Trustees joined OHCHR field colleagues at the Africa regional consultations for a discussion on progress to date, problems encountered, and next steps in the implementation of SMP and the Plan of Action. Colleagues from the field pointed to the challenge of measuring and analysing the impact of human rights work. It was pointed out that work on indicators was work-in-progress at the Office and was particularly challenging for the first SMP, where baseline benchmarks would have to be established.

7. The OHCHR mid-year review had focused on the implementation of the major tasks under each of the five focus areas of SMP (country engagement, leadership, partnership, United Nations human rights bodies, and management and planning) as well as the recruitment process and financial situation. While concrete progress has been made in each of these areas, challenges would have to be overcome to achieve the objective of SMP 2006-2007, that is, to help bridge gaps in implementation (knowledge, capacity, commitment and security) at the national level. Major challenges ahead included ensuring a single approach by the Office to common priorities and enhancing thematic expertise in a sustainable and field-oriented way. The end-of-the-year review would provide another opportunity to look comprehensively at progress made and measures required to achieve the stated objective. A report on the implementation of SMP during 2006 would then be published.

8. The Board joined the concluding meeting of the regional consultations of the European, North American and Central Asian region. Rapporteurs of the meeting reported on the discussions held on the operation of regional offices, the review of country assessment development, and a broad outline of a strategy for 2008-2009. The Board supported the vision of the Office that after the 2006-2007 expansion period, OHCHR would see the next biennium (2008-2009) focusing on consolidation and follow-through on key initiatives.

### **IV. COUNTRY ENGAGEMENT, INCLUDING CRITERIA FOR VARIOUS FORMS OF FIELD PRESENCES AND IMPLICATIONS FOR THE TECHNICAL COOPERATION PROGRAMME**

9. Country engagement was one of the five focus areas of the Plan of Action. The purpose of country engagement was to analyse the obstacles standing in the way of the implementation of human rights and work towards overcoming them. The Board of Trustees discussed the concept of country engagement and progress made to date since the launch of the Plan of Action in May 2005.

10. Country engagement entailed a process of country assessments and the development of strategies that aimed to harness knowledge and expertise from all parts of the Office. This process offered a framework of a holistic and sustained engagement at the country level. The Board discussed the nature of the country assessments and their possible relationship with the upcoming process of the universal periodic review. The Board noted that part of the country assessment originating from the work of treaty bodies and special procedures would remain public information, while part of the assessment should be for internal purposes. In that regard, the Board was pleased to learn that OHCHR had been working on compiling all country-related information and making it available on the Office's website.

11. With regard to the universal periodic review, the formalities were being discussed in intergovernmental settings in the context of the Human Rights Council. The Board discussed the challenges as well as the opportunities of such a universal review system, which was seen as a major development in the United Nations human rights machinery. The Board noted that the High Commissioner had set clear strategies, including through country engagement, in the Plan of Action in response to the challenge of filling implementation gaps. The Board was informed that there had been discussions regarding the possible setting up of an ad hoc fund for universal periodic review follow-up.

12. OHCHR country engagement concerned all countries and employed a range of tools at its disposal on the basis of a strategic assessment. The Board pointed out the importance of the early warning function of the country assessment tool in order to avoid engagement only in trouble spots. The Board also noted the need to ensure that the Office had adequate capacity to play a meaningful role vis-à-vis the Security Council.

13. Being present in different regions and countries, with staff having the requisite expertise, local knowledge and language, had been recognized as the preferred means of undertaking human rights work for the United Nations. Current OHCHR field deployment took the form of regional offices, country offices, support for peace missions, and the assignment of human rights advisers to United Nations country teams. When it came to the technical cooperation programme, experience had shown that OHCHR projects were most effective when the Office is present in the country, and with sufficient staff, and where the project formed part of a strategy of long-term engagement agreed upon by the Government and involving a full programme of OHCHR work. The Board reiterated the vision that technical cooperation projects must form an integral part of an overall country engagement strategy.

## **V. THE FINANCIAL SITUATION OF THE VOLUNTARY FUND AND ITS FUNCTIONING IN THE OVERALL FUNDING SYSTEM**

14. As of 26 December 2006, the financial situation of the Voluntary Fund was as follows: total income of some US\$ 13.7 million and some US\$ 8 million in expenditure and commitment. The estimated fund balance was some US\$ 5.7 million. More detailed information on income and expenditure is to be found in the annex.

15. At its twenty-fifth session, the Board discussed the issue of "carry over" and the problem of cash flow. Early in the year, it was not always possible to have adequate funds to cover contracts and activities, owing to reasons relating to earmarking and unpaid pledges. An

adequate amount of carry over was therefore necessary to allow a proper start-up of activities. The Board considered that if the reasons for this carry-over need were not made clear, there could be adverse effects on further contributions.

16. With the Plan of Action and SMP, OHCHR was taking a holistic approach, aiming at long-term engagement and the exercise of the full mandate of the High Commissioner. The overall policy of the Office was therefore to encourage unearmarked contributions. More and more contributions were being made in this way.

17. The Board recalled that it had taken a deliberate decision to switch from the consideration of individual projects to a strategic vision at the programme level. However, the Board considered it important to have more detailed discussions at its future sessions on the functioning of the Voluntary Fund and the overall picture of the Office's arrangements for voluntary contributions. The Programme Support and Management Services had agreed to provide more detailed information on the allocations of the Voluntary Fund to facilitate further discussions by the Board.

## **VI. OHCHR STRATEGY ON POVERTY REDUCTION AND THE WORLD BANK**

18. OHCHR is increasingly working on the issue of poverty with energy and leadership. That was one of the key challenges identified in the Plan of Action and strongly stressed in the High Commissioner's address to the Human Rights Council. The theme of Human Rights Day 2006 was "Fighting poverty, a matter of obligation, not charity". Progress had been made in changing the mindset and further tools would need to be developed to sustain the momentum.

19. The Board engaged with OHCHR colleagues in discussing the Office's strategy on poverty reduction and engagement with the World Bank. Board members were pleased to see the leadership role played by the High Commissioner and expressed their encouragement to her in this important undertaking. It welcomed the Office's initiative to define a clearer strategy and entry points for OHCHR in the field of poverty reduction. The Board also welcomed engagement by OHCHR with the World Bank, recognizing that at times tensions might arise when the Office needed to be critical in its engagement.

20. The Board further noted the "inreach" on these issues within OHCHR headquarters as part of a "mindset change". It was comparatively easy for colleagues in the field to identify with social, economic and cultural rights issues and problems of poverty, as those were the issues facing their realities. In-house training and development of tools would be necessary in this regard.

21. Board members emphasized the indivisibility of civil and political rights and social, economic and cultural rights, in theory and practice. There were no necessary trade-offs between them. Beyond justiciability, this was very much a question of public policy, public action and public response. Progress indicators were important to ensure that States did take steps to act and that duty-bearers were held accountable.

22. The Board also enquired about engagement with IMF and was briefed on the related work on the follow-up to the Plan of Action in the area of building partnerships. Currently, the Office was focusing on engagement with the World Bank.

## **VII. UPDATE ON RECENT DEVELOPMENTS WITHIN THE UNITED NATIONS**

23. The Board had been following the United Nations reform initiatives with keen interest and advising the Office on the implications for the technical cooperation programme. At its twenty-fifth session, it reviewed recent developments in the United Nations, including with regard to the Human Rights Council, the High-level Panel on System-wide Coherence, the Peacebuilding Commission and the United Nations Democracy Fund.

24. The Board was particularly interested in the developments around the Human Rights Council, including the discussion on the universal periodic review mechanism and its normative basis and resource implications. The Board pointed out the value of the achievements made over the last 60 years in the field of human rights. The Human Rights Council should be seen as an integral part of the larger United Nations machinery that included the General Assembly, the Security Council, the Peacebuilding Commission and other bodies.

25. With regard to the High-level Panel on System-wide Coherence, a stronger focus on mainstreaming human rights in development activities was advocated. OHCHR was called upon to serve as a centre of excellence, providing normative support to countries, and the role of the resident coordinator would be strengthened. The Board was pleased to learn that terms of reference for resident coordinators were currently being revised to include human rights and that an induction programme for resident coordinators was being prepared. The Board stressed that the time had come to turn rhetoric into action. The accountability of resident coordinators was of key importance. Training, involvement in the selection process, and the development of tools were concrete steps to be taken in this regard.

## **VIII. SEMINAR ON RECOMMENDATIONS OF UNITED NATIONS TREATY BODIES**

26. The Board of Trustees had in recent years held discussions with human rights treaty bodies, through the meetings of chairpersons of human rights treaty bodies and the inter-committee meetings of human rights treaty bodies, on the implementation of recommendations of treaty bodies at the national level. United Nations specialized agencies, funds and programmes had sought guidance on how their input into the treaty body system could result in the formulation of more concrete and implementable recommendations. They had also sought guidance on how they could assist at the operational level in the implementation of recommendations contained in concluding observations. Treaty bodies had also called on the specialized agencies, funds and programmes to assist them in their monitoring role and to support implementation of their recommendations. The seventeenth meeting of chairpersons of human rights treaty bodies held in June 2005 recommended the organization of a seminar for treaty body members, members of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation, United Nations specialized agencies, funds and programmes and, if possible, representatives of United Nations field presences to discuss the format and substance of concluding observations and their implementation at the national level.

27. Such a seminar took place during the twenty-fifth session of the Board of Trustees, on 9 and 10 November. The seminar represented the first opportunity for some of the key actors to gather together for a focused discussion. In addition to all the members of the Board, treaty body members from the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee against Torture and the Committee on Economic, Social and Cultural Rights, as well as representatives from the Inter-Parliamentary Union, the International Labour Organization (ILO), UNAIDS, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR), UNICEF, the World Health Organization (WHO) and the World Bank, and OHCHR staff from the field participated actively in the discussion.

28. Colleagues from specialized agencies and programmes shared their various experiences in relation to the different aspects of treaty body work, in particular the formulation and implementation of treaty body recommendations. Several OHCHR field case studies from different regions were presented. It was clearly demonstrated that the quality of recommendations made by treaty bodies was directly linked to the input received from actors at the national level. In addition to reports from Governments, contributions from national NGOs, OHCHR field presences where they existed, and United Nations agencies and programmes were essential to assist treaty bodies to make relevant and constructively critical commentaries. Such contributions from the field could be made even more systematic.

29. Furthermore, OHCHR had an important role in providing training, awareness-raising and other capacity-building activities for a range of concerned actors at the national level, including parliaments, which performed a key function regarding the implementation of recommendations of United Nations treaty bodies. Some countries now had a large body of recommendations before them awaiting implementation. OHCHR, working together with NGOs and United Nations country teams, should help process the recommendations in order to facilitate their implementation based on clearly identified priorities. There was also a need to make United Nations human rights treaty body work better known to the general public in many countries. Country visits by treaty body members, when they took place, were considered useful in raising the awareness of treaty body work at the national level as well as in enabling treaty bodies to raise the most relevant questions.

30. As United Nations expert bodies, human rights treaty bodies brought legitimacy and weight at the national level. The output of treaty body work served as a valuable framework and as entry points for OHCHR engagement with countries. It also served as a useful tool for United Nations agencies and programmes in furthering countries' development objectives. Concluding observations and recommendations of human rights treaty bodies should be systematically considered and integrated into analyses by United Nations agencies and programmes when establishing policy and programmatic strategies.

31. Participants at the seminar welcomed the opportunity for a focused discussion among relevant partners. They considered that further follow-up meetings, involving government representatives, would be most useful.

**Annex**

**ESTIMATED STATEMENT OF INCOME AND EXPENDITURE FOR  
THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN  
THE FIELD OF HUMAN RIGHTS<sup>a</sup>**

**(as of 26 December 2006)**

Biennium 2006-2007	United States dollars
Income	
Based on statement of income as of 30 November 2006	
Beginning balance, 1 January 2006	8 542 379
Less unpaid pledges from prior year (\$130,000)	-130 000
Income received (collections + inter-organizational arrangements)	4 540 050
Interest and miscellaneous income	331 579
Refund to donors	-
Adjustments and savings from prior period obligations	387 444
<b>Total income</b>	<b>13 671 452</b>
Expenditure/commitment	
- Allotments issued in 2006	-
- Allotments requested	-
- United Nations programme support costs (13%)	-
<b>Total expenditure/commitment</b>	<b>0</b>
Estimated fund balance available	13 671 452
Fund reserves	
Operating cash reserve and reserves for allocations	(593 589)
Estimated net fund balance available for future allotment (subject to 13% programme support costs)	<u>13 077 863</u>

<sup>a</sup> This estimated balance sheet has been prepared by OHCHR Administration. As such, it should not be considered an official United Nations financial document.

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