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### **ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL**

#### **Advisory services and technical cooperation in the field of human rights**

#### **Report of the Secretary-General**

#### **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 present report is an update on the work of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights since the last report on this issue was submitted to the Council at its fourth session.<sup>1</sup>

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<sup>1</sup> A/HRC/4/94.

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## **Introduction**

1. The Secretary-General has submitted to the Commission on Human Rights and subsequently the Human Rights Council an annual report on technical cooperation in the field of human rights, reflecting the discussions of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights (VFTC). Based on Commission on Human Rights resolution 2004/81 and the subsequent analytical report<sup>2</sup> 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, 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 previous reports,<sup>3</sup> focusing on the work of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

### **I. THE BOARD OF TRUSTEES OF THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS**

2. Members of the Board of Trustees are appointed by the Secretary-General to advise the Office of the United Nations High Commissioner for Human Rights (OHCHR) on streamlining and rationalizing the working methods and procedures of the Technical Cooperation Programme. Current members are Mary Chinery-Hesse (Ghana), chairperson; William A. Schabas (Canada), acting chairperson for the last session; Viacheslav Bakhmin (Russia); and Monica Pinto (Argentina). A fifth member, Vitit Muntarbhorn (Thailand), resigned just before the last session of the Board of Trustees due to the newly adopted rule of non-accumulation of mandates, as he currently also serves as the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. The process of identification of a new member has been initiated.

3. In recent years, the Board has moved away from detailed revision of individual projects to advising OHCHR on policy orientation, global vision and strategy at a broader programme level. The evolution of the role played by the Board is appreciated by OHCHR, which benefits greatly from the experience and wisdom of the Board, particularly in relation to the ongoing reform within the United Nations and OHCHR and the strengthened country engagement of OHCHR.

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<sup>2</sup> E/CN.4/2006/104.

<sup>3</sup> Ibid. and A/HRC/4/94.

4. The Board holds its meetings twice a year. The twenty-sixth session took place in May 2007 and the twenty-seventh session in November 2007. The overall objective of the twenty-sixth session was to explore some of the challenges identified in the High Commissioner's Plan of Action of 2005 in terms of substantive themes or cross-cutting issues which represent entry points from the perspective of country engagement and technical cooperation programming. The twenty-seventh session built on the previous sessions of the Board by a continued examination of various components of the United Nations Human Rights Programme on Technical Cooperation funded by VFTC, and was timed to correspond with the OHCHR annual consultation with heads of field presences. As technical cooperation activities are implemented mostly in the field, it is essential for the Board to be able to interact with field staff that carry out the work, and receive a first-hand account of the ongoing work related to capacity-building and technical cooperation. During the session, the Board focused on technical cooperation and capacity-building activities implemented through human rights advisers placed in United Nations country teams and human rights components of United Nations peace missions.

## **II. TRANSLATION OF HUMAN RIGHTS THEMES INTO TECHNICAL COOPERATION PROGRAMME AND POLICY RECOMMENDATIONS**

5. Translating themes such as corruption and poverty, and their possible interlinkage, as well as other cross-cutting themes, into an action agenda for OHCHR remains an ongoing challenge. In this sense, the Board was pleased to note the increased emphasis on enhanced collaboration between the Research and Right to Development Branch (RRDB), the Capacity Building and Field Operations Branch (CBB) and the field presences in relation to poverty reduction. The Board was specifically briefed on the work of OHCHR presences in Guatemala, Liberia and Nepal as a basis for discussing how more focused strategies can make a difference in addressing the root causes of the human rights violations associated with poverty. The value of best practice models was recommended in developing strategies to tackle such a complex phenomenon as poverty. On a more general level, the Board felt that poverty is a difficult concept to define, and that economists would probably look at it differently to human rights experts. More should be done in order to clarify the definition, its linkages, root causes and a combination of these, i.e. discrimination, lack of sound governance, corruption, conflict, marginalization, lack of proper access to political and civil rights, and economic, social and cultural rights.

6. The Board was also briefed on the United Nations conference on anti-corruption measures, good governance and human rights held in Warsaw on 8-9 November 2006. It was organized by OHCHR in cooperation with and hosted by the Government of Poland. Good governance has been part of the focus of OHCHR for some time, however corruption represents a fairly new theme of work for OHCHR. The objective of the conference was to share information on the role of anti-corruption measures in good governance practices, nationally and internationally, for the promotion and protection of human rights, to generate debate and clarify a conceptual basis for corruption. The Board members emphasized the importance of the issue and acknowledged that corruption might be both a cultural and a structural issue. As there are many actors with a mandate to fight corruption, the Board recommended that OHCHR should focus on issues

where the organization could bring added value. Impunity, lack of access to information, weak institutions, poverty resulting from poor governance and inequality, democratic deficit, and discrimination are potential areas where corruption is the cause of depriving people of their rights, as well as often being among the root causes of conflict. At the same time the Board underlined the importance of having a corruption-free police force, national planning agencies, audit agencies, judicial academies, and military academies. The Board additionally saw the importance of focusing on the so-called South-North dimension when addressing corruption.

7. In relation to economic, social and cultural rights (ESCR), the Board was briefed on how theoretical expertise on ESCR developed in the RRDB feeds into country engagement, technical cooperation and capacity-building efforts. The Board of Trustees mentioned that there has been a tendency to give priority to political and civil rights in general. It is a misconception that ESCR are only aspirational goals rather than enforceable rights. The Board emphasized that cultural rights are often the “poor cousin” of economic and social rights and further noted that ESCR have the potential to act as a bridge to achieve political and civil rights. Overall, the Board noted an increased attention to these rights and encouraged greater attention to field ESCR activities in the future.

8. In view of the recent adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Board was apprised of the thematic work of OHCHR in this area. The Board commended the ongoing work, in particular the enunciation of policy and strategy through, inter alia, developing handbooks, mainstreaming initiatives, incorporation into laws, and assistance to countries upon request. The Board emphasized that “disabilities” is a cross-cutting theme, which is often combined with conflict, governance and discrimination. The Board recommended that disabilities should be mainstreamed and integrated into the work of all United Nations country teams. In order to enable participation by persons with disabilities, the Board further pointed out that appropriate physical infrastructure needs to be available. For example, in order to participate in the Committee work in Geneva, blind persons would need “reasonable accommodations” such as assistance during travel and stay in Geneva, materials in accessible formats (i.e. braille), etc.

9. The Board was informed of the work of the open-ended Working Group on the Right to Development, particularly of its three-year workplan to operationalize a set of criteria for the evaluation of certain global development partnerships from a human rights perspective. In addition, the Board was briefed on the adoption of Human Rights Council resolution 4/4, which endorsed the practical global partnership approach recommended by the Working Group. Four global partnerships would be assessed in 2007/2008 from the perspective of the right to development. The Board noted the focus on partnerships and existing mechanisms, and commented that there will be a need for buy-in from the various country teams. The Universal Declaration of Human Rights is the essential instrument in this regard, which highlights that there is both an international and a national angle to the right to development.

### **III. TECHNICAL COOPERATION AND CAPACITY-BUILDING ACTIVITIES IMPLEMENTED THROUGH HUMAN RIGHTS ADVISERS AND HUMAN RIGHTS COMPONENTS OF UNITED NATIONS PEACE MISSIONS**

#### **1. Human rights advisers placed in United Nations country teams**

10. The Board was briefed about OHCHR assistance to country teams as it plays an increasingly important part of the technical cooperation provided at field level in support of national human rights protection systems. The Board noted that human rights advisers attached to the offices of Resident Coordinators play an important role in advising Resident Coordinators on human rights policy and strategic issues and in facilitating the capacity-building of country teams and national counterparts. The Board learned that in 2006 OHCHR completed a review of the role and functions of human rights advisers, with the aim of increasing their effectiveness, following a similar exercise conducted in 2005 for human rights components of peace missions. In 2006, two human rights advisers were stationed in country teams in Sri Lanka and Pakistan and, based on lessons learned from the review and the consequent standardized terms of reference drawn up for human rights advisers, in 2007 an additional nine human rights advisers have been deployed on either OHCHR contracts (Ecuador, Guyana, the Maldives, Nicaragua, Rwanda, Somalia and the Southern Caucasus) or UNDP contracts (Indonesia and Kyrgyzstan), out of which six are funded through the VFTC. Six additional human rights advisers are expected to be deployed in the near future (Moldova, Papua New Guinea, Niger, the Philippines, Russia and the Great Lakes region of Africa). The Board fully supports the use of VFTC for the deployment of human rights advisers and noted the importance of foreseeing sufficient budgets for activities and domestic travel.

11. During its twenty-seventh session, the Board participated in the human rights adviser session of the OHCHR annual consultation with heads of field presences. The agenda of this session included the sharing of practical experiences of various human rights advisers pertaining to the implementation of technical cooperation activities; human rights work in post-disaster situations, the contribution of human rights advisers to national development processes and capacity-building of United Nations staff. The session also dwelt on various practical issues such as the generic terms of reference for human rights advisers, substantive backstopping from OHCHR, Geneva to human rights advisers (i.e. development of tools, etc.), and the potential assistance provided to national human rights institutions by human rights advisers.

12. The Board members emphasized the importance of human rights advisers and noted the need for both financial and substantive support and backstopping, as such advisers operate alone within country teams and are expected to provide advice and assistance on a variety of human rights related issues, including training, human rights programming, capacity-building and technical cooperation. Additional funds for deployment would mean that these officers who are currently working on their own could be assisted by a national legal officer, have a small budget for domestic travel and activities, and be able to strategically encourage the members of country teams to reach out to rights holders and assist duty bearers to fulfil their human rights obligations. It is evident that human rights advisers cannot be experts on all counts; some might be strong on providing training, others on formulation of human rights programmes, etc.

Additional financial support or access to a regional pool of funds could allow human rights advisers to be assisted by specialized short-term experts from the United Nations system (for example, on child rights, environmental law, gender, disabilities, etc.).

## **2. Human rights components of United Nations peace missions**

13. During the course of the twenty-seventh session, the Board had separate sessions with selected heads of human rights components of United Nations peace missions. The Board was briefed in depth on lessons learned from implementing technical cooperation in Afghanistan and Sudan. To facilitate the work of the Board of Trustees and to enable it to better review technical cooperation undertaken by human rights components of peace missions, a mapping exercise has been initiated. This aims to identify good practices based on lessons learned on the implementation of technical assistance and capacity-building activities in the context of United Nations peace operations that could be replicated and/or serve as a basis for new or improved future interventions. The mapping exercise is expected to be finalized at the beginning of 2008, and will assist the Board in continuing its follow-up and providing advice to advance technical cooperation carried out by human rights components of peace missions.

## **IV. UPDATES ON RECENT DEVELOPMENTS REGARDING THE UNITED NATIONS REFORM PROCESS AND THE UNIVERSAL PERIODIC REVIEW**

### **1. The United Nations reform process - “One UN”**

14. The report of the Secretary-General’s High-level Panel on United Nations System-wide Coherence, “Delivering as One” (November 2006) recommends that human rights, as a cross-cutting issue, must be an integral part of United Nations activities, particularly when delivering as “One UN” at the country level. Consultations by the Panel have reaffirmed the legitimacy of the United Nations to address human rights through, inter alia, supporting national counterparts in their pursuit of international human rights commitments. In this context, eight country teams (Albania, Cape Verde, Mozambique, Pakistan, Rwanda, Tanzania, Uruguay, and Viet Nam) are piloting “One UN” (One Programme, One Budget, One Leader and One Office) with the Governments of the countries concerned.

15. During its sessions in 2007 the Board was briefed on current views on the development of a strategy to contribute to the “One UN” process and to bring human rights to the forefront of United Nations operations on the ground, in line with “Delivering as One”. The Board was pleased to note the reform effort (which it sees as a more long-term endeavour) and its emphasis on keeping the United Nations presence light, while maximizing use of the expertise of all the agencies. They saw the deployment of human rights advisers to country teams as a potentially efficient way for OHCHR to contribute its human rights expertise. The Board also underlined the importance of OHCHR positioning itself in order to be able to feed into the pool of potential candidates for Resident Coordinators, and at the same time ensure opportunities for staff progression from OHCHR into higher positions in the United Nations system. The Board further noted the challenges ahead as to how to effectively engage at the country level, how OHCHR can ensure adequate capacity internally and how to strengthen the OHCHR regional offices to substantively backstop technical cooperation at the level of country presences, human rights components within peace missions and human rights advisers placed in country teams.

## **2. The universal periodic review**

16. In 2007 the Board also looked at the challenges/implications for OHCHR stemming from the 2005 World Summit and the subsequent reform process initiated by the High-level Panel followed by inter alia the report of the Secretary-General entitled “In Larger Freedom”, which together marked a paradigm shift for human rights, reaffirming human rights as one of the three pillars of the United Nations. In this regard, the Board has made an effort to keep abreast of the process of institution-building within the framework of the Human Rights Council, particularly regarding the development of the universal periodic review (UPR) process, and to consider how the new mechanisms could possibly benefit, influence and/or provide challenges for OHCHR work on technical cooperation.

17. As such, the Board noted the new developments as per Human Rights Council resolutions 5/1 and 6/17 and the request for the establishment of a new additional trust fund to help countries implement recommendations emanating from the UPR process, namely the Voluntary Fund for Financial and Technical Assistance. It should be recalled that in the Board’s briefing to Member States in May 2007 it was discussed whether the VFTC should be used for the UPR follow-up. Since then, the Human Rights Council has decided to establish a new trust fund for the UPR. The Board will follow with interest technical cooperation activities that will stem from the UPR process, with a view to ensuring efficiency and coherence with the Technical Cooperation Programme as a whole.

## **V. THE FINANCIAL SITUATION OF THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS**

18. The Finance and Budget Section and the Donor and External Relations Sections of OHCHR provide the Board of Trustees with an update on the financial situation of the VFTC at each session. The Board noted that as of 1 January 2007 the VFTC would be used for technical cooperation activities in country offices, for human rights advisers and for human rights components of peace missions.

19. As of 31 October 2007, the financial situation of the VFTC was as follows: total income of US\$ 5,439,315 and US\$ 8,484,642 of expenditure and commitment. The estimated fund balance is US\$ 7,416,712, considering the 2006 carry over of US\$ 10,462,712. More detailed information on income and expenditure is to be found in the annex.

20. The Board acknowledges that earmarked contributions are not ideal for OHCHR as such, nor from a financial management point of view. However, the reality is that some Member States prefer to earmark their contributions and to channel their funds through the VFTC within the oversight of an independent Board of Trustees. During the last session the High Commissioner reiterated the important role the VFTC plays as a funding vehicle for implementation of technical cooperation activities.



## **VI. STRATEGIC MANAGEMENT PLAN FOR 2008/2009**

Finally, during the twenty-seventh session, the Board was informed of the Strategic Management Plan (SMP) for 2008/2009 which will continue the implementation of the Plan of Action of the High Commissioner. The first SMP (2006/2007) focused on internal strengthening and capacity-building whereas the SMP for 2008/2009 will focus more on implementation and results at the country level. Based on lessons learned from the first SMP, the Board noted that, according to the plan outlined, the SMP for 2008/2009 will be produced in a more organized manner with a greater focus on measurable result oriented indicators. In line with the Plan of Action, the overarching theme for the SMP 2008/2009 will be impunity. In this regard, the Board was specifically briefed on the theme of impunity and possible areas of technical cooperation in that context for the next biennium. The Board noted with interest that potential areas for technical cooperation would include transitional justice, capacity-building for the judiciary, prosecutors, police, security forces, etc.

**Annex**

**ESTIMATED STATEMENT OF INCOME AND EXPENDITURE 2007  
FOR THE VOLUNTARY FUND FOR TECHNICAL COOPERATION  
IN THE FIELD OF HUMAN RIGHTS (31 October 2007)\***

	US\$
Income 2007 <sup>a</sup>	
Voluntary contributions	5 077 054
Contributions under Inter-Organization arrangements (UNDP-Ecuador/HRO)	30 000
Interest and miscellaneous income	332 261
Total income	5 439 315
Expenditure 2007	
Total commitments as at 31 October 2007	7 508 533
United Nations programme support costs (13%)	976 109
Total expenditure	8 484 642
Total excess (shortfall) of income over expenditure	(3 045 327)
Beginning balance, 1 January 2007	10 462 039
Adjustments and savings from prior period obligations	-
Estimated fund balance (31 October 2007)	7 416 712

\* This estimated balance sheet has been prepared by OHCHR Finance and Budget Section. As such, it should not be considered a United Nations official financial document.

<sup>a</sup> Based on UNOG financial statements as at 30 September 2007.

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