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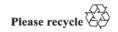
Human rights bodies and mechanisms

Current system-wide delivery and financing of, and existing gaps in, technical assistance and capacity-building that support the implementation by States of their international human rights obligations and commitments

Report of the Secretary-General*

Summary

> The present report was prepared pursuant to Human Rights Council resolution 45/31. In that resolution, the Council requested the Secretary-General to prepare a report analysing the current system-wide delivery and financing of, and existing gaps in, technical assistance and capacity-building that support the implementation by States of their international human rights obligations and commitments, and to make recommendations in order to improve and scale up the system-wide delivery and financing of technical assistance and capacity-building in the field of human rights with a view to building national resilience. The report focuses on the correlation between a society's enjoyment of and commitment to human rights and its resilience to crisis. It highlights the need to integrate human rights in United Nations common analysis and programming; to strengthen synergies between the United Nations and partners; and to increase resources and expertise for technical assistance and capacity-building programmes.

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* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.

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I.   Introduction

1.   The present report is submitted pursuant to Human Rights Council resolution 45/31. In that resolution, the Council requested the Secretary-General to submit a report, for consideration at its forty-ninth session, analysing the current system-wide delivery and financing of, and existing gaps in, technical assistance and capacity-building that support the implementation by States of their international human rights obligations and commitments, and to make recommendations in order to improve and scale up the system-wide delivery and financing of technical assistance and capacity-building in the field of human rights with a view to building national resilience.

2.   The present report is based on consultations conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) with United Nations counterparts.

II.   Centrality of human rights technical assistance and capacity-building in building national resilience

3.   In the context of the study of ecosystems, "resilience" refers to absorptive, adaptive and transformative capacities in response to threats.[1] The 2017 analytical framework on risk and resilience of the United Nations System Chief Executives Board for Coordination defines "resilience" as the ability of individuals, households, communities, cities, institutions, systems and societies to prevent, resist, absorb, adapt, respond and recover positively, efficiently and effectively when faced with a wide range of risks, while maintaining an acceptable level of functioning without compromising long-term prospects for sustainable development, peace and security, human rights and well-being for all.[2]

4.   This broader understanding of resilience reflects the idea of "upstream prevention" outlined in the report of the rapporteurs appointed pursuant to Human Rights Council resolution 38/18,[3] to which resolution 45/31 responds. As a concept, upstream prevention aims at identifying the root causes of crises, addressing systemic human rights violations and reducing their long-term likelihood.

5.   Addressing root causes is an important part of the concept of sustaining peace adopted by the General Assembly and the Security Council.[4] Accordingly, the Secretary-General has set out a common vision and common systems and capacities across the United Nations to consistently and adequately support Member States in their endeavour to sustain peace and build resilient and prosperous nations in line with their commitments to leave no one behind.[5] In this context, human rights were identified as a "critical foundation" for sustaining peace and as tools to help identify the root causes of and responses to conflict. The Secretary-General also called for the United Nations peace and security and development pillars to make better use of the existing human rights mechanisms and their recommendations in support of Member States.[6]

6.   In "The highest aspiration: a call to action for human rights", launched in February 2020, the Secretary-General stressed the correlation between a society's enjoyment of and commitment to human rights and its resilience to crisis. The same approach can be found in his report entitled "Our Common Agenda",[7] which the General Assembly welcomed in November 2021,[8] where human rights are at the heart of a "renewed social contract" that seeks to reset the relationship between people and the institutions meant to serve them by tackling inequalities and exclusion and building trust and social cohesion. In both a call to action for human rights and "Our Common Agenda," human rights are presented as problem-

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[1] See, for example, https://www.oecd.org/dac/Resilience%20Systems%20Analysis%20FINAL.pdf.

[2] CEB/2017/6, annex III, appendix.

[3] A/HRC/43/37.

[4] General Assembly resolution 70/262 and Security Council resolution 2282 (2016).

[5] A/72/707–S/2018/43, para. 5.

[6] Ibid., para. 21.

[7] A/75/982.

[8] A/76/L.8/Rev.1.

solving tools and as reference points for the design and delivery of United Nations programmes, development assistance and crisis prevention initiatives.

7.   The coronavirus disease (COVID-19) pandemic has shown in practice the interrelationship between human rights and action to build resilience. The global health crisis rapidly expanded into an economic, social and human rights crisis. It has exacerbated the vulnerabilities of people already left behind in society and highlighted deep economic and social inequalities and inadequate health and social protection systems, which require not only urgent attention but also a longer-term response anchored in human rights.[9] Against that backdrop, in its resolution 75/233, the General Assembly called upon the entities of the United Nations development system to achieve and work towards building back better and a sustainable inclusive and resilient recovery which is people-centred, gender-sensitive and respects human rights. The recently adopted *United Nations Common Guidance on Helping Build Resilient Societies*[10] underlines the fact that building resilience requires a unifying approach that transcends the humanitarian, development, human rights, and peace and security pillars by guiding the design and implementation of integrated and cost-effective programmes to lower multiple risks and prevent crises.

8.   Human rights technical assistance and capacity-building programmes are key to building resilience. The United Nations offers a variety of support and capacity-building programmes addressing the specific needs of particular groups, as is clear in a call to action for human rights and "Our Common Agenda". These include human rights education; strengthening of democratic institutions and national frameworks for the promotion and protection of human rights and the rule of law; support to transitional justice processes; actions to safeguard civic space; measures to tackle corruption and reduce economic inequalities; and programmes to protect and empower groups in vulnerable situations to claim their rights, in particular women and girls, children, youth, refugees and migrants, the economically disadvantaged, persons with disabilities, minorities, indigenous peoples and LGBTIQ+ persons.

9.   The Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights has identified seven components for the development of sound technical assistance programmes. They are: (a) the importance of anchoring technical cooperation to the universality and indivisibility of all human rights, including both protection and promotion aspects; (b) the critical importance of building and strengthening national frameworks and institutions in the field of human rights through technical cooperation and advisory services; (c) the support needed for the implementation of recommendations from human rights mechanisms; (d) the importance of reflecting and informing national development objectives to achieve the Sustainable Development Goals; (e) the criticality of partnerships with all entities on the ground; (f) the need to ensure the broadest possible participation in the design and implementation of technical cooperation programmes; and (g) the necessary integration of human rights in United Nations programmes and operations in each country and region.[11] The COVID-19 pandemic has provided an illustration of at least one of those principles – the importance of anchoring technical cooperation in the universality and indivisibility of all human rights – as it has demonstrably been seen that protecting economic and social rights is as critical as protecting civil and political rights.[12] Universal health coverage systems, for instance, strengthen countries' abilities to contain a threat to public health, as do social security and protection systems, gender equality, labour rights, well-resourced education systems able to quickly switch to distance learning, and access to information and to the Internet.

10.   The design and delivery of such programmes should also ensure the broadest possible participation of all elements of societies. Partnerships on the ground should be sought as well, and human rights technical cooperation mainstreamed throughout the work of all United Nations programmes. Cooperation programmes should also reflect and be informed by national development objectives to achieve the Sustainable Development Goals and support

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[9]   See https://www.un.org/victimsofterrorism/fr/node/5814.

[10] See https://unsdg.un.org/fr/node/71673.

[11] See https://www.ohchr.org/EN/Countries/VFTC/Pages/ReportFund.aspx.

[12] See https://www.un.org/victimsofterrorism/fr/node/5814.

the implementation of recommendations of the human rights mechanisms, whose preventive role and impact have been highlighted in the Secretary-General's call to action for human rights and recent reports to the Council.[13]

III. Importance of integrating human rights in United Nations common analysis and programming

11.   To be effective, technical assistance and capacity-building programmes in the field of human rights should be informed by a prior human rights analysis aimed at understanding the contexts where such programmes are expected to be implemented and assessing the needs arising in those contexts.

When there is a humanitarian crisis, human rights analysis takes place through humanitarian needs assessments to provide a baseline for strategic planning. These assessments are carried out in coordination with all humanitarian actors, with OHCHR often taking part in the process. The assessments produce twice-yearly humanitarian needs overviews. Recently updated guidance indicates that humanitarian needs overviews should include risk assessments relating to violations of international humanitarian and human rights law to better identify the protection needs of affected populations.[14] 13.In the context of refugee crises, refugee response plans are developed under the leadership of the Office of the United Nations High Commissioner for Refugees (UNHCR). Refugee response plans are also based on needs assessment for refugee emergencies that are expected to integrate human rights concerns and requirements. In this regard, in November 2020, UNHCR acknowledged in its Human Rights Engagement Strategy that further cooperation with human rights counterparts, notably through coordinated planning and programming, has yielded positive protection outcomes.[15]

14.   In development contexts, the reform of the United Nations development system mandated by the General Assembly[16] provides for a new generation of common country analysis that forms the basis for the United Nations Sustainable Development Cooperation Framework as the main United Nations planning and programming instrument at the country level. In April 2019, the United Nations Sustainable Development Group issued guidance for country teams to help them develop United Nations Sustainable Development Cooperation Frameworks.[17] The guidance states that those Frameworks should be led by six core principles to be implemented in a holistic manner. These principles, as described out below, are: leaving no one behind, the human rights-based approach, gender equality and women's empowerment, resilience, sustainability and accountability. Human rights underpin all these principles.

(a)   The principle of leaving no one behind is at the core of the 2030 Agenda for Sustainable Development. Its implementation requires a human rights-based analysis of gender-based discrimination, spatial inequality and other multiple deprivations, disadvantages and direct and indirect discrimination, their intersectionality and how they reinforce exclusion. To that end, the United Nations Sustainable Development Group published guidelines in 2019 on how to operationalize the principle of leaving no one behind.[18]

(b)   The human rights-based approach has been acknowledged as one of the main guiding principles of United Nations common programming since its endorsement by the United Nations Development Group in 2003.[19] Since then, many United Nations entities have

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[13] See, notably, A/HRC/43/37 and A/HRC/48/21.

[14] See https://assessments.hpc.tools/km/2021-humanitarian-needs-overview-annotated-template.

[15] See https://www.unhcr.org/protection/operations/5fb681264/unhcrs-human-rights-engagement-strategy-2020-2023.html.

[16] See General Assembly resolution 72/279.

[17] See https://unsdg.un.org/resources/united-nations-sustainable-development-cooperation-framework-guidance.

[18] See https://unsdg.un.org/sites/default/files/Interim-Draft-Operational-Guide-on-LNOB-for-UNCTs.pdf.

[19] See https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un.

developed guidelines for its implementation in development programmes, including the United Nations Development Group, OHCHR, [20] the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization, the United Nations Population Fund and the World Health Organization (WHO). The application of the human rights-based approach, and more generally the integration of human rights in cooperation frameworks, is currently being reviewed by an inter-agency task force led by OHCHR. The outcomes of the review will be made public in 2022.

(c) In line with the minimum requirements agreed upon in 2018 by the United Nations Sustainable Development Group, [21] gender equality and women's empowerment require United Nations country teams, when engaging in common programming, to assess how concerned countries meet gender-related international human rights requirements, starting with those contained in the Convention on the Elimination of All Forms of Discrimination against Women. The emphasis on tackling gender discrimination ensures that cooperation frameworks respond to the objective of gender equality set out in a call to action for human rights and "Our Common Agenda". A checklist on dismantling gender discriminatory laws to enable United Nations country teams to identify obstacles in national legal frameworks and potential actions to take in response was developed in 2021 under a call to action for human rights.

(d) Resilience is a key principle of analysis and programming that the United Nations Sustainable Development Group recognizes as a common thread across the three United Nations pillars of human rights, peace and security, and development. In this respect, in the *United Nations Common Guidance on Helping Build Resilient Societies*, resilience is regarded as a means of reducing risks, including those associated with natural and human-induced hazards, violent conflicts, epidemics and pandemics, financial systems and food price fluctuations. The guidance identifies numerous drivers of risk: poverty, climate change, inequality, discrimination and exclusion, extremism, demographic pressures, unplanned urbanization, ecosystem degradation, weak institutions and declining respect for human rights. It sets out eight principles for building resilience: (i) leave no one behind and reach those most in need and at risk in a gender-responsive manner; (ii) ensure equality, non-discrimination and a human rights-based approach; (iii) be accountable for pursuing inclusive partnerships; (iv) do no harm; (v) engage and commit over the long term in a flexible, yet strategic approach; (vi) pursue context-specific and tailor-made approaches; (vii) act early to prevent or mitigate crises; and (viii) build on local and national capacities for ownership and leadership. It encourages joined-up solutions and collective outcomes that build on the comparative advantages of humanitarian, peace and security, development, and human rights interventions.

(e) The sustainability requirement responds, for its part, to the 2030 Agenda for Sustainable Development to ensure the lasting protection of the planet and its natural and cultural resources, supporting inclusive and sustained economic growth, ending poverty in all its dimensions and enhancing human well-being. The respect and fulfilment of social, economic and cultural rights is cardinal to the realization of this ambition.

(f) Cooperation frameworks are expected to strengthen the United Nations development system's accountability for the collective support it provides to countries in achieving the 2030 Agenda for Sustainable Development. The implementation of the principle of accountability demands the alignment of United Nations programmes with national priorities and the strengthening of national mechanisms to monitor and report on the achievement of the Sustainable Development Goals. It also requires the development and use of quality, accessible, timely and reliable disaggregated data to inform United Nations programming. To that end, OHCHR has issued a guidance note on a human rights-based approach to data, outlining six principles for data collection: (i) participation in the data-collection process, especially by the marginalized; (ii) data disaggregation to guard against discrimination based on sex, age, ethnicity, disability, sexual orientation or religion; (iii) self-identification that does not further reinforce discrimination against vulnerable groups; (iv)

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[20] See https://unsdg.un.org/resources/frequently-asked-questions-human-rights-based-approach-development-cooperation.

[21] See https://unsdg.un.org/sites/default/files/UNCT-SWAP_Gender-report_Web.pdf.

transparency regarding the data-collection process; (v) privacy of respondents and maintaining the confidentiality of their personal data; and (vi) accountability in data collection and use.[22] In addition, OHCHR contributes to the United Nations Sustainable Development Group data and reporting task team, which supports United Nations country teams on using data in common analysis and programming.

15.   A human rights-based approach to common analysis and programming should also ensure broad participation. The Common Minimum Standards for multi-stakeholder engagement in the United Nations Development Assistance Framework,[23] issued in 2020, encourage country teams to map stakeholders that should be consulted during the common analysis and programming process. They include: civil society organizations; human rights defenders; local governments; parliamentarians; workers' organizations; business and employers' membership organizations; and research organizations and academia. The same requirement for participation can be found in humanitarian programming where, among others, local and national authorities, civil society and affected communities are encouraged to participate in the development of humanitarian needs overviews.

16.   The integration in United Nations common analysis and programming of recommendations made by human rights mechanisms also helps to achieve the participation requirement, since these recommendations are, to a large extent, the result of dialogues with States and civil society. This is the case for the universal periodic review process, where civil society organizations and national human rights institutions have constantly engaged in the process and have proven to be vital for the success of the universal periodic review.[24] In addition, States under review generally engage with relevant ministries, national mechanisms for implementation, reporting and follow-up (where they exist) and other stakeholders prior to taking a final decision on the recommendations received. Similarly, during country visits, special procedure mandate holders engage in broad consultations before formulating recommendations, while treaty body reviews are based not only on country reports, but also on submissions made by other stakeholders and dialogues with the States concerned.

17.   More broadly, a human rights-based approach to common analysis and programming requires integrating the recommendations of the human rights mechanisms into the planning process. In "Our Common Agenda", the Secretary-General called for a fuller use of the human rights system, including the universal periodic review, treaty bodies and special procedures. Common country analysis should use the assessments made by human rights mechanisms of the issues in the country concerned, while Sustainable Development Cooperation Frameworks should include programmes and initiatives to support the implementation of the mechanisms' recommendations. The United Nations Sustainable Development Group has produced guidance on strengthening engagement with the international human rights machinery.[25] In 2020, OHCHR in coordination with the Executive Office of the Secretary-General and other United Nations entities, developed practical guidance on United Nations' engagement at the country level to support the implementation of accepted universal periodic review recommendations from Member States.[26]

18.   The human rights-based approach to programming can be found in the socioeconomic response plans prepared by United Nations country teams to address the socioeconomic impact of the COVID-19 pandemic, pursuant to "A UN framework for the immediate socio-economic response to COVID-19".[27] Notably, that framework contains the recommendation that country teams assess the human rights impact of the COVID-19 pandemic and the extent to which responses respect human rights. To that end, the United Nations development system has issued a set of 10 key indicators to monitor and assess the human rights

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[22] See https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

[23] See https://unsdg.un.org/sites/default/files/2020-05/UNSDG-Common-Minimum-Standards-for-Multi-Stakeholder.pdf.

[24] See https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_cso_compendium_en.pdf.

[25] See https://unsdg.un.org/2030-agenda/strengthening-international-human-rights.

[26] See https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf.

[27] See https://unsdg.un.org/sites/default/files/2020-04/UN-Framework-for-the-immediate-socio-economic-response-to-COVID-19.pdf.

implications of the COVID-19 crisis, including socioeconomic impacts and aspects relating to the imperative to leave no one behind. OHCHR, jointly with the Development Coordination Office and UNDP, also provided guidance to resident coordinators and United Nations country teams on how to apply a human rights-based approach to socioeconomic response plans.[28] In addition, as a member of the United Nations Sustainable Development Group task team on leaving no one behind, OHCHR has coordinated a human rights review of some hundred socioeconomic response plans worldwide. That review, as discussed below, revealed significant weaknesses in the integration of human rights in response plans.

19.   Since the outbreak of the COVID-19 pandemic, human rights mechanisms have urged States to respect human rights in their response to the pandemic. They have issued guidance and recommendations, notably through information notes, statements and press releases. Action taken by the special procedure mandate holders has been compiled on a dedicated webpage,[29] while the treaty bodies have made available a compilation of statements issued in the context of the COVID-19 pandemic.[30] OHCHR also published a toolkit of human rights treaty law perspectives and jurisprudence in the context of COVID-19,[31] in addition to its own analysis of the human rights dimensions of the COVID-19 pandemic.[32]

IV.   Need for strengthened synergies and partnerships

A.   Synergies between United Nations pillars

Human rights and development

20.   At the conceptual level, the nexus between human rights and the 2030 Agenda for Sustainable Development was highlighted in the political declaration adopted by the Heads of State and Government at the Sustainable Development Goals Summit held in September 2019 in New York, along with the centrality of the principle of leaving no one behind.[33] In this regard, the Human Rights Council adopted a series of resolutions on the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development,[34] which led to the organization of three intersessional meetings at which it was recommended that Member States and other stakeholders make greater use of the outputs of the universal periodic reviews, the treaty bodies and the special procedures, to guide the planning, follow-up and reporting on achievement of the Sustainable Development Goals. The fact that the Universal Human Rights Index[35] now links the recommendations of the human rights mechanisms with the Sustainable Development Goals constitutes a significant step in that direction. The letters that the United Nations High Commissioner for Human Rights sends to ministers of foreign affairs after universal periodic reviews include a matrix of thematically clustered recommendations linked to the Sustainable Development Goals. OHCHR is also developing an online platform aimed at measuring the level of countries' acceptance, intent and commitment to implementing human rights standards and achieving the Sustainable Development Goals.

21.   In practice, the establishment in 2011 of the human rights mainstreaming multi-donor trust fund [36] (now Human Rights Mainstreaming Fund) constituted a critical step in strengthening operational synergies between the human rights and development pillars. The Fund has provided support to the work of United Nations agencies and country teams in

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[28] See https://www.ohchr.org/Documents/Events/COVID-19/Checklist_HR-Based_Approach_Socio-Economic_Country_Responses_COVID-19.pdf.

[29] See https://www.ohchr.org/EN/HRBodies/SP/Pages/COVID-19-and-Special-Procedures.aspx.

[30] See https://www.ohchr.org/Documents/HRBodies/TB/COVID19/External_TB_statements_COVID19.pdf.

[31] See https://www.ohchr.org/Documents/HRBodies/TB/COVID19/HRTB_toolkit_COVID_19.pdf.

[32] See https://www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx.

[33] A/HLPF/2019/L.1.

[34] Human Rights Council resolutions 37/24 and 43/19.

[35] See https://uhri.ohchr.org/en/.

[36] In December 2019, the name of the fund was changed to the Human Rights Mainstreaming Fund, for branding purposes.

mainstreaming human rights and strengthening coherent and coordinated responses to national technical assistance and capacity-building needs, notably through the deployment of human rights advisers in resident coordinators' offices. Since 2011, human rights advisers have provided in-country technical assistance on human rights mainstreaming in common analysis and development programmes in some countries. They have also provided guidance on how to engage with human rights mechanisms and establish national mechanisms for implementation, reporting and follow-up. They have actively supported the strengthening of national human rights institutions. In the past two years, human rights advisers have advised country teams on advocacy for a human rights-based approach to COVID-19 responses. They have also advised on the integration of the human rights principle, leaving no one behind, gender equality and women's empowerment in humanitarian and socioeconomic impact analyses and response plans.[37]

Human rights and peace and security

22.   The correlation between human rights and peace has long been recognized, as evidenced in the consistent inclusion by the Security Council of robust human rights mandates for peace missions. In 2011, OHCHR concluded with the United Nations peacekeeping operations, the Division of Political Affairs and the Department of Field Support a joint policy on the integration of human rights in peace operations and political missions. In this context, OHCHR develops human rights methodology, training and guidance for the human rights components of peace missions and works to mainstream human rights in United Nations policies on the maintenance of international peace and security. OHCHR also uses extrabudgetary resources, financed through Member States' voluntary contributions, to fund human rights technical cooperation activities and project-based staff costs in some peace missions. In 2021, international and national human rights officers were deployed in 13 United Nations peace missions.[38] Work on human rights in the midst of peace operations helps to focus the mission on preparing the ground for eventual transition to a post-conflict return to sustainable peace and development. Human rights capacity-building during transitions and beyond can help to strengthen resilience and reduce the chances of a return to conflict and violence.

23.   The Joint Programme on Building National Capacities for Conflict Prevention of UNDP and the Department of Political and Peacebuilding Affairs supports the deployment of peace and development advisers in many resident coordinator offices to provide analytical and technical support on prevention and building resilience.[39] The 108 peace and development advisers deployed worldwide in 2021 often worked alongside human rights advisers to positive effect, helping to cement the linkages between human rights capacity-building and prevention.

24.   Since 2008, UNDP has been implementing its Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development.[40] Present in nearly 40 crisis-affected countries, the Global Programme supports the United Nations Global Focal Point for the Rule of Law, which is a platform established in 2012 by the Secretary-General to further the provision of rule of law assistance to address and prevent violent conflict, protect human rights and restore justice and security for conflict-affected people. Co-chaired by UNDP and the Department of Peacekeeping Operations, the Global Focal Point brings together entities including the Executive Office of the Secretary-General, OHCHR, UNHCR, the United Nations Office on Drugs and Crime (UNODC), the United Nations Office for Project Services and the United Nations Entity for Gender Equality and

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[37] See https://mptf.undp.org/factsheet/fund/HRM00.

[38] In Central Asia and in West Africa, in Afghanistan, Central African Republic, Democratic Republic of the Congo, Haiti, Iraq, Libya, Mali, Somalia, South Sudan and Sudan, as well as in Kosovo. References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

[39] See https://dppa.un.org/en/peace-and-development-advisors-joint-undp-dppa-programme-building-national-capacities-conflict.

[40] See https://www.rolhr.undp.org/content/ruleoflaw/en/home.html.

the Empowerment of Women (UN-Women) to jointly design and implement rule of law and human rights projects. As at June 2021, it was operational in 23 States and territories.[41]

25. The adoption in 2016 by the General Assembly and Security Council of twin resolutions on sustaining peace and the subsequent reports of the Secretary-General on peacebuilding and sustaining peace[42] have strengthened the recognition that the international human rights framework provides a critical foundation for sustaining peace. In the context of the 2020 review of peacebuilding architecture, OHCHR produced a series of thematic papers that set out the practical contribution of aspects of the human rights system to peacebuilding and sustaining peace.[43] In recent years, the Peacebuilding Support Office and OHCHR have strengthened their strategic partnership through the adoption of two consecutive joint workplans for 2019–2020 and 2021–2022. In 2020, for the first time, the Peacebuilding Support Office contributed to the universal periodic review process by making submissions on the third cycle reviews of Sierra Leone and Somalia, and on Haiti and South Sudan in 2021, on the basis that these countries engage with the Peacebuilding Fund. Recommendations of human rights mechanisms, including special procedures and treaty bodies, are also informing analysis and design of programmatic interventions supported by the Peacebuilding Fund, for instance, in Guinea-Bissau and Honduras.

26. Since its inception in 2006–2007, the Peacebuilding Fund has been an important funding instrument to support human rights technical assistance and capacity-building programmes in peacebuilding contexts. The Fund has contributed to the integration of human rights in the following areas: access to justice and the rule of law; strengthening national human rights institutions; transitional justice and reconciliation; human rights monitoring and early warning systems on violations; countering hate speech and disinformation; promotion of civic space; protection of human rights defenders and peacebuilding actors; and human rights education. In 2020, the Fund's annual Gender and Youth Promotion Initiative was dedicated to human rights protection of women, young peacebuilders and human rights defenders. In 2021, the Initiative once again prioritized a human rights theme, focusing on the promotion and protection of civic space, notably regarding land, indigenous peoples and environmental issues. Since the onset of the COVID-19 pandemic, the Fund has also prioritized support to projects aimed at responding to or promoting recovery from human rights violations occurring in the context of the pandemic, for instance projects to counter hate speech and disinformation.

Human rights and humanitarian action

27. The participation of OHCHR in humanitarian processes has strengthened the nexus between human rights and humanitarian action. As a member of the Global Protection Cluster, OHCHR has, for instance, contributed to the inclusion of a human rights-based approach to the development of the Cluster's Strategic Framework for 2020–2024, the Advocacy Strategy and the Protection Analytical Framework.[44] OHCHR has also contributed to advancing human rights in the Cluster's work streams, including by training Protection Cluster members on human rights international frameworks and mechanisms. In addition, the participation of OHCHR in humanitarian country teams has enabled better integration of human rights and greater participation of national human rights actors in humanitarian analysis and programming exercises. OHCHR has also increased its engagement with the Inter-Agency Standing Committee at the policy level and is currently contributing to the review of the implementation of the Committee's protection policy.

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[41] Afghanistan, Burundi, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Gabon, Gambia, Guinea, Guinea-Bissau, Haiti, Jamaica, Liberia, Libya, Malawi, Mali, Sierra Leone, Somalia, South Sudan, Sudan (Darfur), Timor-Leste and Yemen, as well as Kosovo.

[42] See https://www.un.org/peacebuilding/policy-issues-and-partnerships/policy/sg-reports.

[43] See https://www.un.org/peacebuilding/content/ohchr-thematic-papers.

[44] See https://www.globalprotectioncluster.org/2021/08/11/protection-analytical-framework/.

28.   With regard to funding, the Central Emergency Response Fund has included a wider range of human rights-related activities into those that are eligible for support. Nevertheless, protection activities remain underfunded compared to other humanitarian areas of work.[45]

B.   Partnership with other actors

29.   The critical role played by national human rights institutions that comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)[46] and by civil society organizations in preventing human rights violations has been underscored in several reports presented to the Human Rights Council.[47]

30.   United Nations support to national human rights institutions is largely provided through a tripartite partnership between the Global Alliance of National Human Rights Institutions, UNDP and OHCHR.[48] In 2015, representatives of national human rights institutions recognized in the Kyiv declaration on the role of national human rights institutions in conflict and post-conflict situations the role played by those institutions in preventing conflict and ensuring respect for human rights and their protection in conflict-affected and fragile settings globally. In October 2021, the Peacebuilding Support Office and OHCHR sent a joint letter to all national human rights institutions offering support for activities and programmes that integrate human rights and peacebuilding approaches and objectives. The letter constitutes a first step towards more coordinated engagement in the field of peacebuilding by the two offices with national human rights institutions. In February 2021, UNHCR issued guidance jointly with the Global Alliance concerning engagement with national human rights institutions.[49] The guidance illustrates how to leverage the mandates and competences of national human rights institutions as critical protection partners in support of the UNHCR mandate.

31.   Civil society organizations and other actors, including human rights defenders, journalists and activists, are key recipients of technical assistance and capacity-building activities. In addition, as outlined above, it is critical that they be consulted and involved in the design of relevant activities. This participation should be pursued in tandem with the protection and promotion of civic space, efforts that have been identified as a United Nations priority by the Secretary-General in his call to action for human rights and "Our Common Agenda". In this regard, in September 2020, the United Nations system adopted a guidance note on protecting and promoting civic space.[50] The note highlights the need to ensure the meaningful participation of civil society in decision-making, the protection of civil society actors who are at risk and the promotion of open civic space, including legal and policy frameworks that facilitate debate online and offline, as key areas of intervention.

32.   The guidelines on the right to participate in public affairs prepared in 2018 by OHCHR, pursuant to Human Rights Council resolution 33/22, also offer a good framework and recommendations for increasing the participation of civil society in decision-making.[51] In his 2018 report on peacebuilding and sustaining peace,[52] the Secretary-General called for strengthened and systematized engagement with civil society, including women, youth groups and local communities at large. In response, a working group led by the Department of Political and Peacebuilding Affairs and composed of the Department of Peace Operations,

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[45] See https://www.nrc.no/globalassets/pdf/reports/breaking-the-glass-ceiling/breaking-the-glass-ceiling---a-smarter-approach-to-protection-financing-report.pdf.

[46] See https://ganhri.org/paris-principles/.

[47] In particular, A/HRC/18/24, A/HRC/30/20 and A/HRC/39/24.

[48] Some outcomes of the partnership in 2020 are outlined at https://www.undp.org/publications/tripartite-partnership-support-national-human-rights-institutions.

[49] See https://www.unhcr.org/protection/operations/5f92a5604/guidance-unhcrs-engagement-national-human-rights-institutions.html.

[50] See https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf.

[51] In its resolution 39/11, the Council took note with interest of the guidelines and presented them as a set of orientations for States and others (see https://www.ohchr.org/EN/Issues/Pages/DraftGuidelinesRighttoParticipationPublicAffairs.aspx).

[52] A/72/707–S/2018/43.

OHCHR, UNDP, UN-Women, the Stichting Global Partnership for the Prevention of Armed Conflict, the International Peace Institute and the Quaker United Nations Office, launched a broad consultation that led to the issuance in 2019 of United Nations Community Engagement Guidelines on Peacebuilding and Sustaining Peace.[53]

33.   Partnership with other stakeholders should also be established or expanded, including in the form of technical assistance and capacity-building cooperation with national parliaments. Draft principles on parliaments and human rights[54] indicate that parliaments are key to ensuring that recommendations of human rights mechanisms that require legislative reform or budgetary adjustments are given priority consideration. OHCHR and other entities, such as UNDP and UN-Women, including in partnership with the Inter-Parliamentary Union (IPU), provide support to parliaments to empower them to exercise their legislative and oversight responsibilities in a manner conducive to the effective enjoyment and protection of all human rights. For instance, in cooperation with IPU, OHCHR is in the process of updating its human rights handbook for parliamentarians.[55] In 2020, OHCHR also collaborated with IPU and the International Organization of la Francophonie to enhance the participation of parliamentarians in the universal periodic review process.

34.   Partnership between the United Nations and regional organizations is also critical in the design and provision of technical assistance and capacity-building activities to ensure that they are adapted to the specific regional context. In this regard, the series of resolutions the Human Rights Council adopted on regional arrangements for the promotion and protection of human rights and the workshops organized by OHCHR in this framework are critical in exploring ways to strengthen such cooperation.[56] For instance, the adoption in 2012 in Addis Ababa of a road map for increased cooperation between the special procedures and the African Commission on Human and Peoples' Rights[57] constitutes a welcome precedent that, if supported by sufficient resources, could enable more joint technical assistance activities, such as joint visits and statements, between United Nations mandate holders and the independent experts of regional organizations.

V.   Need for strengthened expertise, guidance and funding

A.   Strengthened expertise and guidance

35.   Adequate human resources and dedicated expertise are critical in designing human rights technical assistance and capacity-building programmes and ensuring their implementation. One of the ways of increasing this capacity, in addition to OHCHR country offices, regional offices and human rights components of peace missions, has been the deployment of human rights advisers in United Nations country teams with the support of the Human Rights Mainstreaming Fund and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. As the Human Rights Council has noted on several occasions, human rights advisers play a key role in providing technical assistance on integrating human rights in the work of the United Nations to better support Member States. As at December 2021, there were human rights advisers deployed in only 54 States, and the sustainability of those deployments depends on continued voluntary contributions.

36.   Despite progress in the expansion of expertise, the United Nations Sustainable Development Group task team on leaving no one behind found that, while 70 per cent of the socioeconomic response plans developed by October 2020 included a human rights analysis, evidence of the human rights-based approach to all activities was present in only 32 per cent of the plans. In addition, only a small number of country teams have put in place a data-

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[53] See
https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/un_community-engagement_guidelines.august_2020.pdf.

[54] A/HRC/38/25, annex I.

[55] See http://www.ohchr.org/Documents/Publications/training13en.pdf.

[56] See Human Rights Council resolutions 6/20, 12/15, 18/14, 24/19, 30/3 and 34/17.

[57] See https://www.ohchr.org/Documents/HRBodies/SP/SP_UNHRC_ACHPRRoad%20Map.pdf.

collection strategy that incorporates human rights indicators. Thus, to ensure significant implementation of the human rights-based approach on the ground, additional support through the deployment of more human rights advisers and additional expertise on human rights indicators and data analysis is needed at the field level. At the same time, better use could be made of other capacities that support resident coordinators' offices and country teams. For example, strengthening the links between human rights advisers and peace and development advisers could further the effectiveness of United Nations support on building resilience.

37.   Given that human rights help to identify the root causes of crises, human rights-based analysis provides a powerful tool to the United Nations system to ensure that its programmes and activities are orientated towards solutions that address risks and strengthen national resilience. OHCHR has been developing its analytical capacity in the form of emergency response teams within its regional offices, to support resident coordinators and country teams in early warning and risk analysis, informed by human rights information, with a view to developing early responses to mitigate risks.

38.   In addition, in February 2021, OHCHR and UNDP launched a joint project funded by the Human Rights Mainstreaming Fund to strengthen the capacity of United Nations country teams and national human rights institutions on Sustainable Development Goals and prevention. The project comprises technical assistance provided to United Nations country teams and national human rights institutions to collect disaggregated data to operationalize the principle of leaving no one behind. In this context, specialists in data and human rights indicators have been deployed in Peru and Uganda to help country teams integrate human rights indicators in common analysis and programming, including in socioeconomic response plans. Similar deployments are planned for other countries. The project has also enabled the integration of human rights indicators in Sustainable Development Cooperation Frameworks in Bangladesh, Ethiopia, the Philippines, the Republic of Moldova, Rwanda, Tunisia, the United Republic of Tanzania and Zimbabwe.

39.   Further expertise is needed on economic, social and cultural rights, which are critical to building national resilience. In this respect, in 2019, OHCHR, with the support of the Human Rights Mainstreaming Fund, launched a surge initiative. It is aimed at stepping up country-focused advice to operationalize States' obligations on economic and social rights in their efforts to accelerate the achievement of the Sustainable Development Goals, address inequalities, promote transformative economies and highlight prevention by linking economic and social rights with conflicts. Since its inception, the surge initiative has facilitated the provision of advice in the drafting of 82 common country analyses and United Nations Sustainable Development Cooperation Frameworks and consultations with resident coordinator office economists in 29 countries. In addition, the surge initiative has provided technical and financial support to 38 country projects for seeding change, aimed at generating in-depth analytical and advocacy content supporting disaggregated datasets and collecting evidence to feed into COVID-19 socioeconomic recovery planning, programming and policy changes.[58] Nevertheless, the surge initiative will require additional funding to sustain its existing activities and expand in the longer term.

40.   With regard to gender and women's rights, since 2014, OHCHR has placed regional gender advisers in four of its regional offices (Addis Ababa, Beirut, Dakar and Panama City). An evaluation conducted in 2017 found that technical assistance provided by regional gender advisers had strengthened the capacities of OHCHR field presences and United Nations country teams, both in mainstreaming a gender inclusive human rights-based approach in their work and helping them to engage with gender-related human rights mechanisms.[59] However, the network of regional gender advisers lacks sustainable funding, threatening the continuity of staffing and any prospect of adding new advisers in the other six OHCHR regional offices.

41.   In conflict contexts, pursuant to Security Council resolutions 1888 (2009) and 1889 (2009), women protection advisers are deployed in peacekeeping missions with conflict-

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[58] For further information, see E/2021/77.
[59] See https://www.ohchr.org/Documents/AboutUs/Evaluation/RegionalGenderAdvisorsStructure.pdf.

related sexual violence mandates to, inter alia, develop and implement comprehensive strategies to combat sexual violence and ensure the mainstreaming of sexual violence considerations into operations. Their work is complemented by the Team of Experts on the Rule of Law and Sexual Violence in Conflict, established pursuant to Security Council resolution 1888 (2009), to assist national authorities in strengthening the rule of law to ensure criminal accountability for perpetrators of conflict-related sexual violence.[60] In addition, pursuant to Security Council resolution 1379 (2001), child protection advisers are deployed to peacekeeping missions to work with national counterparts to strengthen their capacity to address child protection concerns.[61] All of these advisers and experts are facing limited resources.

42.   General Assembly resolution 68/268, adopted in 2014, also provided for the deployment of dedicated human rights capacity-building officers in OHCHR regional offices to support States to implement their human rights treaty obligations. Such strengthened expertise at the regional level has contributed to the integration of recommendations of human rights mechanisms in common analysis and programming. Nevertheless, the capacity to respond to requests for support coming from States and United Nations country teams remains limited.

43.   Along with strengthened expertise, guidance is needed to further integrate a human rights perspective in United Nations system-wide analysis and programming with a view to understanding and leveraging the role of human rights in building national resilience. In addition to the publications issued by the Secretariat mentioned in the present report, several United Nations agencies have developed their own materials. In June 2021, the International Labour Conference adopted a global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient.[62] On World Health Day in 2021, WHO launched a year-long campaign to build a fairer, healthier world, to contribute to more equitable, non-discriminatory health systems and support progress made by Member States in achieving the right to health, including available, accessible, acceptable and quality public health and health facilities, goods and services.[63] In addition, WHO is currently developing a training module on gender, equity and human rights, in collaboration with the Johns Hopkins Consortium and the WHO Academy, to increase its technical capacity and knowledge on human rights, gender and health equity concepts, including on the use of recommendations from United Nations human rights mechanisms.

44.   In 2021, UNODC published a toolkit for mainstreaming human rights and gender equality into criminal justice interventions to support Member States in the design of context-specific and rights-based activities to prevent and counter trafficking in persons and smuggling of migrants and to assist and protect victims.[64] UNODC has also developed a toolkit for its project managers to assess the integration of human rights, including recommendations from human rights mechanisms, in the organization's activities. UNHCR is also committed to increasing its staff engagement with the human rights system. To this end, in 2020, it launched a learning programme on human rights engagement in practice, complemented in 2021 with e-learning courses on engaging with the human rights system. UNHCR has also launched an internal good practices dashboard on engagement with human rights mechanisms.

B.   Strengthened funding

45.   In his call to action for human rights and "Our Common Agenda", the Secretary-General underscored the centrality of human rights in the work of the entire United Nations

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[60]   See https://www.un.org/sexualviolenceinconflict/our-work/team-of-experts/.

[61]   For more information, see https://peacekeeping.un.org/en/child-protection.

[62]   See https://www.ilo.org/ilc/ILCSessions/109/reports/texts-adopted/WCMS_806092/lang--en/index.htm.

[63]   See https://www.who.int/campaigns/world-health-day/2021.

[64]   See https://www.unodc.org/unodc/en/frontpage/2021/February/new-unodc-toolkit-puts-human-rights-and-gender-equality-at-the-forefront.html.

system. The regular budget submission for OHCHR for 2022 amounts to $109.9 million, representing just over 3 per cent of the total United Nations regular budget.[65]

46. In 2022, in its regular programme of technical cooperation, OHCHR will prioritize the needs of least developed countries, small island developing States, countries emerging from conflict and other countries with particular needs. OHCHR will focus on: providing assistance to Member States in adopting laws that establish new national human rights institutions or strengthen the capacity of existing ones; enhancing cooperation among governments, national human rights institutions and civil society organizations within their respective regions to address human rights issues; raising awareness, knowledge and skills of policymakers and public officials, as well as staff of regional and subregional organizations on international human rights standards and mechanisms; and advancing the integration of human rights in development processes with a view to contributing to the implementation of the 2030 Agenda for Sustainable Development.

47. With regard to extrabudgetary resources, voluntary contributions represented around 62 per cent of the overall OHCHR budget in 2021 and were insufficient to respond to all requests for technical assistance and capacity-building. In addition, OHCHR received only around 68 per cent of the total funds requested under the combined regular budget and extrabudgetary contributions for technical cooperation and capacity-building activities in 2021. It was thus unable to respond to all requests for assistance and needs identified in its annual appeal for 2021. Greater financial support is therefore needed from Member States and other donors for OHCHR to meet all demands for technical cooperation and capacity-building in 2022 and beyond.

48. For the Human Rights Mainstreaming mechanism Fund, a multi-year results framework covering 2022–2025 has been developed to ensure adequate fundraising. The total funding required to achieve the identified outcomes amounts to $99.66 million. As at December 2021, $94.88 million remained to be mobilized. In 2020, the Fund's steering committee commissioned the first independent evaluation of the fund. The evaluation showed that the Fund had demonstrated its unique added value in supporting human rights mainstreaming throughout the United Nations Sustainable Development Group, while acknowledging the renewed opportunities that the United Nations development reform and the Secretary-General's call to action for human rights offer for the Fund to fulfil its objectives.[66] The evaluation highlighted that, while it is critical to continue scaling up the deployment of human rights advisers, activities unrelated to the human rights advisers' programme should also be further supported. The evaluation recommended that the Fund invest more in developing a strong knowledge management function that gathers and shares information on human rights across the United Nations Sustainable Development Group.[67]

49. As noted previously, financial support is also needed to sustain the initiatives referred to above on strengthening expertise at the field level, including the surge initiative, the deployment of experts on gender and women's rights and the delivery of technical assistance to implement recommendations from human rights mechanisms.

50. In this respect, in "Our Common Agenda", the Secretary-General expressed his readiness to work with States to find ways to put human rights mechanisms on a more sustainable financial footing. This should include reflection on how to increase support for the technical assistance and capacity-building activities recommended by those mechanisms. Despite the efforts made to date,[68] implementing and reporting each year on the numerous recommendations made by human rights mechanisms remains challenging for many countries. A number of measures have been taken in recent years to enhance the capacity of States to implement recommendations, including an initiative to assist States in the

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[65] See the Secretary General's call to action for human rights, "Our Common Agenda" and General Assembly resolution 76/247.

[66] Final evaluation report, volume I, p. 11. Available from https://mptf.undp.org/factsheet/fund/HRM00.

[67] Ibid., p. 12.

[68] Efforts include the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review and the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council.

establishment of national mechanisms for implementation, reporting and follow-up. [69] Another initiative, led by Norway and Singapore, proposes to create, under item 10 of the Human Rights Council agenda, a voluntary platform for States to report on the progress achieved in implementing recommendations, providing information on shortfalls or barriers to progress, and requesting international capacity-building and technical assistance to help them overcome those barriers.[70] These initiatives deserve further examination by the Council.

VI. Conclusions and recommendations

51.   **The COVID-19 pandemic has emphasized the correlation between a society's enjoyment of and commitment to human rights and its resilience to crisis, as highlighted by the Secretary-General in his call to action for human rights and "Our Common Agenda". In this context, technical assistance and capacity-building programmes and activities are key to supporting the implementation by States of their international human rights obligations, and to contributing to building national resilience.**

52.   **Building on these components, the present report asserts the need to integrate human rights in United Nations common analysis and programming in order to develop human rights technical assistance and capacity-building programmes that are inclusive and context-specific, responding adequately to needs at the country level and highlighting risks that need to be addressed. In this regard, a human rights-based approach to analysis and programming requires the use of disaggregated data to meet the objective of leaving no one behind. It should also integrate analysis and recommendations made by human rights mechanisms and ensure broad participation in their design and implementation. Humanitarian needs assessments, refugee response plans and, in development contexts, Sustainable Development Cooperation Frameworks should fully integrate these requirements.**

53.   **In practice, the efficiency of technical assistance and capacity-building programmes in the field of human rights depends on synergies developed between United Nations pillars and entities, as well as partnerships with national stakeholders, including national human rights institutions, civil society organizations, civic space actors more generally and national parliaments, as well as regional organizations.**

54.   **Above all, adequate expertise is necessary on the ground to develop efficient human rights technical assistance and capacity-building activities. In this regard, the present report asserts the need to strengthen support to OHCHR regional and country presences, to deploy human rights advisers in United Nations country teams, to increase other resources critical to building national resilience, including expertise in the field of all human rights, human rights indicators and data analysis, and human rights officers to assist States in implementing recommendations from human rights mechanisms. In the light of these conclusions, it is recommended that the Member States of the Human Rights Council examine the possibility of:**

55.   **Advocating for an increase in the level of financial support provided to the United Nations human rights pillar through regular contributions;**

56.   **Further supporting the OHCHR technical assistance and capacity-building programme through additional contributions to ensure that OHCHR is in a position to respond to the requests for assistance identified in its annual appeals;**

57.   **Further supporting the deployment of human rights advisers in United Nations country teams through additional contributions to the Human Rights Mainstreaming Fund and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;**

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[69] See https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

[70] This was also suggested during a panel debate on the delivery of international human rights capacity-building and technical support, organized during the thirty-fifth session of the Human Rights Council. See https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21787&LangID=E.

58.   **Further supporting initiatives aimed at building resilience at the field level, including the surge initiative and the emergency response teams, as well as the deployment of regional gender advisers and human rights officers in OHCHR regional offices to support States in implementing recommendations from human rights mechanisms;**

59.   **Further reflecting on how to increase support for technical assistance and capacity-building activities to implement recommendations from human rights mechanisms, notably under item 10 of the Human Rights Council agenda.**

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