**The role of technical assistance and capacity-building in fostering ‘mutually beneficial co-operation’ in promoting and protecting human rights**

Following resolution 37/23 regarding *the role of technical assistance and capacity-building in fostering ‘mutually beneficial co-operation’ in promoting and protecting human rights* the Netherlands would like to present the Human Rights Council Advisory Committee with the following information for their consideration.

In the view of the Netherlands, the concept of mutually beneficial co-operation raises several concerns, which we would like to bring to your attention.

The term prioritizes state-state relationships. This is problematic for two reasons. First of all, human rights belong to individuals, not to states. States are primarily responsible for the promotion and protection of human rights, and should be held accountable if they fail to do so. The prioritization of the state in the ‘mutually beneficial relationship’ undermines the Council’s ability to scrutinize state performance, to hold states accountable for violations and to provide justice to victims. These are essential aspects of the work of the Human Rights Council, as also reflected in the Council’s mandate to “address situations of violations of human rights, including gross and systematic violations” (GA 60/251).

Secondly, the overemphasis on states excludes essential actors in the broader human rights architecture, namely UN-agencies, civil society and NGOs. These actors play a key role in the promotion and protection of human rights worldwide, and in providing technical assistance and capacity building. Safeguarding the ability of these actors to intervene in a meaningful and independent way is a necessary condition for the human rights architecture to function effectively. The introduction of the term ‘mutually beneficial co-operation’ could undermine their ability to act.

Furthermore, the term ‘mutually beneficial co-operation’ lacks a clear definition. The term is not founded in existing UN documents and concept, and runs the risk of confounding the common understanding on which the human rights architecture is built, which in turn undermines accountability. By not clearly identifying the individual as the beneficiary of cooperation under ‘mutually beneficial co-operation’, and by not identifying UN-agencies, independent civil society and NGO’s as key actors in cooperation, the term might do more harm than good.

Although not clearly defined, the term ‘mutually beneficial’ seems to be strongly associated with economic development. In the human rights context, the usage of the term runs the risk of over-emphasizing economic rights above civil, political, social and cultural rights. This sits uncomfortably with the universal, indivisible, interrelated, and mutually reinforcing nature of human rights; a nature that the Netherlands believes should be firmly protected.