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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Seminar on the enhancement of international cooperation in the field of human rights (Geneva, 15 February 2013)

Summary

The present report, submitted pursuant to Human Rights Council resolution 19/33, contains a summary of the discussions held during the seminar on the enhancement of international cooperation in the field of human rights convened on 15 February 2013, to provide a space for further dialogue for States, experts from the Human Rights Council Advisory Committee, treaty bodies and special procedures, as well as academic and civil society, to further clarify the legal definition of international cooperation and human rights, share experiences and good practices aimed at strengthening international cooperation in the field of human rights, and to identify the areas and the role of key actors, in international cooperation, including the role that the United Nations can play to promote international cooperation in the field of human rights.

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I. Introduction

1. In its decision 4/104, adopted in 2007, the Human Rights Council requested the United Nations High Commissioner for Human Rights to consult States and intergovernmental and non-governmental organizations on ways and means to enhance international cooperation and dialogue, including obstacles and challenges, as well as possible proposals to overcome them. On the basis of reports submitted by the High Commissioner in 2008, 2009 and 2010 on such consultations, the Council, at its thirteenth session, requested the Advisory Committee to explore ways and means to enhance international cooperation in the field of human rights and to submit its proposals to the Council.

2. In its resolution 19/33, the Human Rights Council requested the Office of the High Commissioner (OHCHR) to organize a seminar, with the participation of States, relevant United Nations agencies, funds and programmes, and other stakeholders, including academic experts and civil society, in addition to a member of the Advisory Committee.

3. Pursuant to Human Rights Council resolution 19/33, a seminar was held in Geneva, on 15 February 2013. Building upon the study submitted to the Council by the Advisory Committee,¹ including the recommendations contained therein, as requested by the Council in its resolution 19/33, the seminar had the aim of providing a space for further dialogue to clarify and discuss the legal definition of international cooperation and human rights, to share experiences and good practices enabling the reinforcement of international cooperation in the field of human rights, and to identify and discuss the areas and the role of key actors in international cooperation, including the role of the United Nations in promoting international cooperation in the field of human rights.

4. Chaired and moderated by the former acting High Commissioner, Bertrand Ramcharan, the seminar brought together experts from treaty bodies, special procedures, the Advisory Committee, United Nations agencies, regional, international and non-governmental organizations organisations (see annex). Representatives of Governments, United Nations agencies and non-governmental organizations attended as observers.

5. In its resolution 19/33, the Human Rights Council also requested OHCHR to present a summary of the deliberations held during the seminar and to submit it to the Council. The present report is submitted pursuant to that request.

II. Summary of discussions

A. Role of international human rights instruments, the Human Rights Council and other United Nations bodies in developing the concept of international cooperation in the field of human rights

6. Opening statements were delivered by the Deputy United Nations High Commissioner for Human Rights, the President of the Human Rights Council, the Permanent Representative of the Islamic Republic of Iran (on behalf of the Non-Aligned Movement) and the Director of External Relations of the Council of Europe.

¹ A/HRC/19/74.

7. The Deputy High Commissioner referred to the engagement of OHCHR in integrating human rights into international cooperation efforts. Building on the commitments made by Member States to the Millennium Development Goals, OHCHR had promoted strong partnerships with human rights and development actors and, in the lead-up to 2015, was working to ensure that a human rights perspective was reflected in the post-2015 development agenda. Its field presences provided technical cooperation and advisory services, fostering dialogue and cooperation between State institutions, civil society, the United Nations system and regional mechanisms. It also sought to strengthen cooperation with other international partners on specific issues, such as human rights approaches to poverty reduction strategies with the World Bank and the World Trade Organization and with a range of United Nations partners to promote rights-based responses to HIV/AIDS, to contribute to the development of international business standards and to promote a rights-based approach to migration. Convinced of the key role of cooperation between human rights mechanisms, the Office had also strengthened cooperation with regional human rights organizations and mechanisms, including through the organization of biennial workshops on regional arrangements.

8. The President of the Human Rights Council recalled that the General Assembly, in its resolution 60/251, had described international cooperation as a cornerstone principle of the mandate of the Council. Although the place of international cooperation was ingrained in the work of the Council, the main achievement in this regard had been made with the establishment of the universal periodic review, which had contributed to universalizing human rights and opening up unprecedented opportunities for States, the United Nations system, regional organizations, civil society, national institutions and development actors to foster international cooperation in the field of human rights. The conceptual debate itself, as evidenced by the present seminar, had also gained a new impetus through the understanding of dialogue and cooperation and the principles of universality, impartiality, objectivity and non-selectivity underpinning the mandate of the Council.

9. The Permanent Representative of the Islamic Republic of Iran, speaking on behalf of the Non-Aligned Movement, stated that the multiple and complex global challenges faced by today's world called for global solutions; the enhancement of international cooperation in the field of human rights therefore remained a top priority on the agenda of the international community. The importance of respecting cultural diversity needed to be stressed, as did the recognition that cultural diversity is a source of unity rather than division within the international community, and an asset. Tolerance and mutual understanding were key elements in enhancing international cooperation, which in turn helped to promote mutual understanding and good relations among States. The right to development, which was a key to peace and security, should be crucially upheld in the policies and operational activities of the United Nations. The Voluntary Fund for financial and technical assistance in the implementation of the universal periodic review, established up by the Human Rights Council in its resolution 6/17, helped countries to implement the recommendations made during the sessions of the review mechanism.

10. The Director of External Relations of the Council of Europe gave an insight into the contribution of the Council, as a regional organization, to international cooperation in the field of human rights. The Council not only contributed to the promotion and implementation of international standards, but also to normative development through its own standard-setting, which aimed to be universal, but where it was important to avoid duplication. Besides formal agreements of cooperation signed with the United Nations and a number of specialized agencies, the Council aimed to maintain interaction in terms of information-sharing and coordination, in particular with regard to monitoring bodies, and made contributions to the universal periodic review. With regard to cooperation with OHCHR, fields of common interest were being identified, and avenues to further strengthen

cooperation were being explored. In all exchanges, the Council of Europe strove to achieve coherence, which was essential to cooperation.

11. From the floor, the African Union pointed out that the lack of development, the persistence of conflict and weak institutions all hampered the effective realization of human rights, and international cooperation must not be dissociated from these phenomena. Due attention needed to be paid to economic, social and cultural rights, with cooperation extending to all areas across the three pillars of the United Nations system. Cooperation should be neither politicized nor subject to political conditionality, since suspension of cooperation had negative effects for human rights, especially economic, social and cultural rights. Cross-fertilisation between regional and international mechanisms enhanced cooperation.

B. Setting the concepts: definition, scope, legal framework and the role of international cooperation for the effective promotion and protection of all human rights

12. The members of the Advisory Committee addressed the legal basis of international cooperation, which rested on well-established principles, and challenges in translating theory into reality.

13. As discussed in the study of the Advisory Committee, the concept of international cooperation is firmly embedded in the Charter of the United Nations, Article 1 of which states that one of the purposes of the United Nations is to achieve international cooperation, and contains a further number of references thereto, in particular Articles 13, 55, 56, 57 and 71. These provisions demonstrate that the scope for international cooperation is much broader than that of human rights, but that the broad vision of economic and social cooperation (chapter IX of the Charter) clearly encompasses human rights. The duty of States to cooperate was further clarified in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and in the international instruments specific to human rights. Taken together, the Universal Declaration of Human Rights and the two covenants demonstrated clearly the extent of the commitment to cooperate for the promotion of human rights, with more explicit references in more recent instruments, such as the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Lastly, the numerous references to international cooperation in the Vienna Declaration and Programme of Action, which by clarifying further the commitments and the role of international cooperation in the promotion and protection of human rights set out in Article 56 of the Charter marked a turning point, the Durban Declaration and Programme of Action and the mandate of the Human Rights Council all demonstrated the value afforded to this concept, but also brought to light the host of diverse meanings attributed to it.

14. In the multiple facets of international cooperation, a first parameter to be considered was the multiplicity of actors involved, which, besides bilateral and multilateral cooperation between States, also involved inter-institutional cooperation with organizations of the United Nations family but also increasingly with regional organizations and financial institutions; national institutions, which are at the intersection of public authorities with civil society; and economic actors representing business and trade unions, and civil society actors. The aims of international cooperation were varied and cross-cutting as well and, if for a long time associated mainly with economic development, different forms of cooperation had emerged, such as cooperation in the establishment of the rule of law, human rights and development in the context of the development of legislation; the codification and development of international law; cooperation on judicial and police

matters; and cultural cooperation, which had led to progress in human rights education and training, and in combating racism and discrimination.

15. International cooperation within the framework of the international criminal justice system was important, as was the role and place of non-governmental organizations in international cooperation, which should be strengthened.

16. The study submitted by the Advisory Committee had brought to light some areas that should be examined further. Although a number of trade agreements contained an element of human rights conditionality, there were mixed views on its effectiveness. It appeared that such measures worked where good governance already existed. As pointed out by Amartya Sen, liberty, rights and democracy were the basis for sustainable development. Political and social participation increased the basic skills of the people, enhanced opportunities and channelled claims for economic needs. The elimination of corruption was an issue that often conditioned cooperation. As an example, the integration of human rights perspectives in the trade agreements reached between the European Union and African, Caribbean and Pacific Group of States, in particular the Cotonou Agreement of 23 June 2000, provided built-in incentives for developing countries to affirm their commitment to human rights. On the other hand, sceptics claimed that political democracy was a result of development, not a precondition; that the cancellation or suspension of trade agreements for human rights breaches, such as economic sanctions, may prove detrimental to the economy and have the heaviest impact on ordinary people; that conditions might not be applied uniformly; and that, ultimately, conditionality violated national sovereignty. The ideal solution would be for international economic cooperation to proceed in parallel with international cooperation in human rights. The results of the universal periodic review process were a measure of the type of assistance a State may need to improve its compliance with human rights.

17. An area that could offer opportunities for enhancing international cooperation was international migration. In an era of unprecedented mobility, this should be seen as an opportunity to improve international cooperation in human rights, heightening understanding and mutual exchanges. At the sixth meeting of the Global Forum on Migration and Development, held in November 2012, which focused on the enhancement of the human development of migrants, a number of recommendations that emphasized international cooperation were made. Migration was a reality that called for better coordination of policies and protection between receiving and sending countries. The terms of the Convention on the Protection of the Rights of Migrant Workers and Members of Their Families were demanding and did not prompt a rapid process of accession and ratification, but ways forward were needed to protect the human rights of migrants. In his report to the General Assembly on migration and climate change,² the Special Rapporteur on the human rights of migrants drew attention to the implications that climate change was beginning to have for migration patterns and movements and to the need to recognize that coordinated international cooperative responses would be required to address climate change-induced migration.

18. One important priority was to secure the universal application of international human rights instruments in accordance with the objective set out at the Vienna Conference, which included, in addition to ratification, the effective application of treaties at the domestic level as well as full cooperation by States with monitoring bodies, including cooperation with human rights mechanisms.

² A/67/299.

19. With regard to treaty bodies, international human rights instruments contained a number of references to international cooperation as an obligation of States parties. In the International Covenant on Economic, Social and Cultural Rights, for example, article 2, paragraph 1 States parties undertake to engage in international cooperation, a commitment further clarified in article 23. In its general comment No. 3 (1990), the Committee on Economic, Social and Cultural Rights provided an interpretation of this obligation, stressing the obligation of States “in a position to assist others”, but also that States not in a position to grant the enjoyment of economic, social and cultural rights were bound by the obligation to seek assistance.

20. Throughout its work, the Committee on Economic, Social and Cultural Rights has developed guidelines to international cooperation in the field of economic, social and cultural rights. According to the Committee, international cooperation and assistance should focus on the core obligations of States parties under the Covenant; address structural obstacles such as poverty, underdevelopment and systemic discrimination; be implemented in the framework of the systematic application of the core principles of equality, non-discrimination, participation, and accountability; and assist countries in ensuring that austerity measures do not deny or infringe upon economic, social and cultural rights and that retrogressive measures are temporary, proportionate and non-discriminatory. Furthermore, international cooperation should, with a view to promoting economic, social and cultural rights, be consistent with the enjoyment of civil and political rights, and priority should be given to the realization of the rights of disadvantaged, marginalized and vulnerable groups. The importance of the right to development was stressed in that context, and that decisions on official development assistance (ODA), whether at the national level or within the framework of multilateral financial institutions, should respect and uphold the obligations of States parties with regard to economic, social and cultural rights.

21. The entry into force of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights was an important landmark, implementing a key recommendation made at the Vienna Conference, and an important event for all treaty bodies.

22. The Committee on the Elimination of Racial Discrimination had its specificities, but all instruments contain explicit and implicit references to international cooperation. References to international cooperation in the Convention were not numerous, although the Durban Declaration and Programme of Action and Durban +10 were directly focused on international cooperation.

23. As noted above, one question with regard to international cooperation concerned the actors involved. Firstly, States, in view of the importance of the fact that human rights have become a subject of cooperation between States (it should be recalled that, until the beginning of the twentieth century, human rights was considered a domestic issue, a perception that only changed after the advent of the League of Nations and, subsequently, the Second World War). History had shown that lack of cooperation weakened countries that did not cooperate, and that, conversely, cooperation helped countries to develop and grow. There were, however, other actors where clarification was needed, for example, how to describe the role of treaty bodies as actors in international cooperation, which they assume by their functions. National institutions were important partners for treaty bodies, but how to use their potential had given rise to long discussions in the latter. It was noted that the Committee on the Elimination of Racial Discrimination had been the first to revise its rules of procedure to open opportunities for A-status national institutions to participate in reviews.

24. The system of multilateral cooperation was constantly growing and evolving; it was therefore important to explore new opportunities for the promotion and protection of human rights. In spite of the difficulty involved in coining a general definition of international

cooperation, in particular in the field of human rights, an operational definition was nevertheless needed.

25. In the ensuing debate, the importance of international cooperation to reinforce economic, social and cultural rights to address real gaps was emphasized. In that respect, ODA and the cancelling of debts was mentioned with regard to developing countries unable to meet the Millennium Development Goals or indeed the objectives of the post-2015 development agenda. The negative impact of structural adjustment programmes, economic sanctions and conditionality was also discussed.

26. The entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, following ratification by Uruguay, was seen as a welcome step forward. A number of questions and comments of participants referred to the role of human rights mechanisms, in particular treaty bodies, in cooperation. The recommendations of such mechanisms were seen by some speakers as a form of technical assistance, while the Optional Protocol was a further guarantee, given that it opened a new avenue to recourse. The entire process of follow-up to concluding observations of treaty bodies was based on the principle of cooperation; follow-up was an area where the treaty body could heighten their effectiveness.

27. In the assessment of some participants, human rights mechanisms had made little progress in terms of cooperation since 1993, in spite of the Vienna Declaration and Programme of Action, and reiterated the need to adhere to the principles of non-selectivity, universality, impartiality but also the sovereignty of States, and respect for the plurality of different cultural, economic and political systems. In establishing the Human Rights Council, the General Assembly, in its resolution 60/251, laid down that cooperation should become the foundation of all its functions, from which the Council derived its authority and credibility. Challenges in the field of human rights could only be addressed through equal international cooperation, which took different forms.

28. Participants stressed the importance of cooperation among States to improve the situation of human rights in other countries. They also recalled, however, that the cooperation of States parties with monitoring mechanisms was an important obligation. The commemoration of the Vienna Declaration and Programme of Action offered an opportunity to examine different forms of cooperation.

29. With regard to the question of sanctions, the Committee on Economic, Social and Cultural Rights had debated this issue in detail in its discussions on its general comment No. 8 (1997).³ Starting on the assumption that sanctions were a reality, the Committee understood that its role was to articulate a framework of the impact that such sanctions may have on the economic, social and cultural rights of the population. The Committee had no role to play in relation to decisions on whether to impose sanctions, although it did have a responsibility to monitor compliance by all States parties with the Covenant. When measures that inhibited the ability of a State party to meet its obligations under the Covenant were taken, the terms of sanctions and the manner in which they were implemented became matters for concern for the Committee. Economic, social and cultural rights had to be taken fully into account when designing sanction regimes. It was also stated that this was a delicate matter, and discussions thereon had continued since the adoption of the general comment. A major persisting concern was that, in practice, the poor and vulnerable bore the brunt of sanctions, as highlighted by a number of speakers.

30. On the question of whether there was a right to international cooperation, some speakers believed that such a right indeed existed. Reference was made to a similar

³ E/C.12/1997/8.

discussion held during the elaboration of the Declaration on Human Rights Education and Training, on whether human rights education constituted a right and/or part of the right to education. In the present case, it would be more difficult to formulate.

C. Sharing best practices, challenges and lessons learned

31. Experts from United Nations agencies, non-governmental organizations and Member States engaged in a discussion, providing examples of good practices on various aspects of international cooperation between various actors, and highlighted areas that posed challenges.

32. One issue of concern in the context of the current economic crisis was the diminishing willingness of the States to continue to promote development. Existing difference between the North and South could have an effect on multilateral processes, such as climate change negotiations.

33. The United Nations Educational, Scientific and Cultural Organization (UNESCO) was active in a number of fields, in particular in the promotion of research and knowledge-sharing, human rights education, freedom of expression and intercultural and interreligious dialogue by means of its normative work and activities, including, for example, the Programme on the Management of Social Transformations, which fostered social science research, the International Coalition of Cities against Racism, the Venice Statement on the Right to Enjoy the Benefits of Scientific Progress and its Applications, the Universal Declaration on Bioethics and Human Rights and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. With regard to the United Nations human rights system, UNESCO had strengthened its cooperation with a number of human rights mechanisms, including the treaty bodies, the special procedures and the universal periodic review. It had notably contributed to general comment No. 21 of the Committee on Economic, Social and Cultural Rights on the right of everyone to take part in cultural life⁴ and the implementation of the World Programme for Human Rights Education, and had incorporated elements of the right to water and sanitation in its programmes.

34. There was a need to consolidate international cooperation in order to ensure sustainability. In addition, involving other actors, such as cities and municipalities, was worth considering, since a number of relevant issues were under their authority, such as education and culture. The United Nations remained central to the strengthening of international cooperation in the field of human rights, based on the legitimacy that it enjoys as a catalyser for cooperation and dialogue.

35. The role of women in peacebuilding, and the prevention of conflicts was underscored. At the national level, many African women's associations featured interesting instances of best practices, such as the *salles de veille* (monitoring rooms) for women in Senegal, a platform used to raise awareness about civic education, election monitoring and peacekeeping mechanisms, which played a crucial role in preventing conflict during elections. Another example was the crucial role played by women in the peace process in Liberia. Women were present on the ground, working on environmental issues and economic participation, such as access to credit.

36. At the international level, women's inputs to such events as the Beijing conferences had contributed to the adoption of resolutions by the Security Council on women, peace and human rights, in particular Council resolution 1625 (2005). In spite of these advances, violence and atrocities against women continued. The international community had

⁴ E/C.12/GC/21.

obligations towards women; in the human rights debate, however, it was divided on gender issues. More cooperation was therefore needed in that regard. The international community had to speak with one voice on women and violence against women, in particular in the context of armed conflict.

37. Women's organizations, indeed civil society as a whole, had made a massive contribution to the process of developing and implementing international human rights instruments. Concern was expressed that, since the reform of the United Nations, room for civil society had been reduced and fewer consultations were held with it than before, contrary to expectations and in spite of its growing capacity.

38. With regard to the requirements for international cooperation, there was a need for stronger consensus on such issues as access to food, water and land, human rights, in particular women's rights. Dialogue had to be strengthened at the regional level, but also at the international level. States, especially in the South, and civil society needed support from the international community to implement their treaty obligations.

39. National ownership, capacity-development, South-South and North-South cooperation, and flexibility in responding to national development priorities were important principles for development cooperation, and also a key factor in the strengthening and sustainability of institutions and capacities necessary for the promotion and protection of human rights.

40. The United Nations Development Programme (UNDP) provided support at the country level in the development and implementation of national plans of action on human rights, capacity-building of national human rights institutions, the integration of human rights into national development plans, policies and programmes, the harmonization of national legislation with international human rights standards, and the preparation of national reports to United Nations human rights mechanisms. Within the United Nations system, its partnership with OHCHR was of key importance in that it received specific technical expertise in the field of human rights.

41. Lessons noted from the universal periodic review process brought to light that the mechanism was still seen as primarily a human rights process, somewhat disconnected from other processes within the United Nations. Follow-up to review recommendations required a holistic approach to development-orientated programming and investment in order to develop its full potential for synergies between human rights and development.

42. There was a strong interest in and an enormous potential for expanded collaboration between the human rights and development communities for a better understanding and operationalization of human rights mechanisms in the development context. United Nations agencies together with Member States therefore needed to increase their efforts to better promote and engage with the human rights machinery and architecture, while more innovative ways of engaging had to be sought.

43. In the ensuing debate, several States reiterated the importance of solidarity and cooperation without conditionality, and gave examples of good practices of regional integration based on solidarity and economic complementarity and South-South cooperation (Morocco, Bolivarian Republic of Venezuela). It was regretted that the Voluntary Fund for financial and technical assistance for the implementation of the universal periodic review did not dispose of sufficient funds and that it should be more widely accessible to countries.

44. The potential of expanded collaboration for a better understanding and operationalization of human rights mechanisms was reemphasized. In addition, agencies should intensify their work with the mechanisms.

45. The reference to violence against women elicited a number of reactions. It was asked whether the attitudes and behaviour underlying this problem could be addressed through a system combining education and punishment, in order to bring about behavioural and social change. Where violence against women occurred as a consequence of war, as was the case in the Democratic Republic of the Congo, the importance of prevention was emphasized and examples were provided of education for peace building. Violence would also continue if perpetrators were not brought to justice. Violence against women should have a central place in negotiations to end conflict. The importance of climate change and human rights was also stressed, as was the need to shape the negotiated output for the post-2015 development agenda.

D. The way forward: general prospects and the ways and means to enhance international cooperation in the field of human rights including through developing guidelines, technical assistance, the universal periodic review and other international mechanisms

46. At the expert workshop on human rights and international solidarity, held in June 2012,⁵ participants had generally agreed that there was a strong relationship between international cooperation and international solidarity, even though there were differences of opinion on the nature of that link. The logic that the actions of one country affect other countries held for both, but not necessarily in the same way. In the case of international solidarity, the effect of one country's action on a partner country was always beneficial and, more often than not, reciprocity was present in one form or another. In the case of international cooperation, the effect of one country's action on the partner country was not always beneficial and, more often than not, the benefit was one-sided. Examples were cited in the areas of financial derivatives, technology transfer, conflict, trade in weapons, the media and in information and communications technology.

47. Cooperation derived from solidarity, but solidarity did not necessarily derive from cooperation. Solidarity was seen rather as a corrective to international cooperation. Dynamics between solidarity and cooperation could be complimentary, meeting on the principles of human rights, which were paramount. Innovative mechanisms had to be strengthened for the promotion and protection of human rights and, in that context, attention was drawn to the growing potential of South-South cooperation in promoting human rights.

48. There was a need for greater coherence and synergy, and to mitigate the negative impact on human rights of cooperation programmes, in particular those entailing structural adjustments and conditionality, or affecting certain populations such as migrants, in particular migrant children, and in times of crisis. In addition, cooperation had to be sustainable, although this was rendered difficult by lack of capacity or resources. Legal cooperation was particularly difficult, as shown in attempts to combat the sale of children, and much remained to be done in that field. There was a lack of coordination in multifaceted cooperation with different stakeholders and mechanisms. In order to address such weaknesses, international cooperation should be based on mainstreaming, transparency, good governance, monitoring and accountability, and respect through the systemized participation of stakeholders. As a process, international cooperation needed a framework, benchmarks and evaluation tools. Furthermore, the implementation of international instruments had to be improved and human rights mechanisms, in particular the treaty bodies and the special procedures, had to be strengthened, as did implementation

⁵ A/HRC/21/44/Add.1.

and the follow-up to their recommendations. Special procedures should not be used only as an early warning mechanism, but also be seen as capable of following up and ensuring the monitoring of implementation.

49. Looking back on the historical development of the international human rights system, a major weakness remained: that, in the drafting of the Charter, Chapter VII had not been endowed with the possibility of imposing sanctions for human rights violations, which would have allowed for greater protection. How cooperation could lead to the normative development necessary to address emerging challenges was illustrated by the examples of the work of the Advisory Committee on the rights of peasants and on children affected by noma. On the former, cooperation with Vía Campesina, a non-governmental organization networking with farmers, had laid the groundwork for the development of the study prepared by the Committee and a draft declaration, which was now being examined by an intergovernmental working group of the Human Rights Council and would allow peasants to address the issue of land seizure. In the second example, non-governmental organizations had raised the issue of children affected by noma and the relationship between severe malnutrition and childhood diseases, which had led to the preparation of the study and a set of guidelines by the Committee that had been adopted by the Council. As a follow-up to that study, an initiative had been taken to bring the case to the World Health Assembly, which would lead to the official recognition of noma as a disease and allow for work to start on its monitoring and prevention. The issue was also being taken up by the Committee on the Rights of the Child. These examples demonstrated the synergies that can result from international cooperation and the use of existing mechanisms to advance issues.

50. The universal periodic review process had opened broad perspectives for international cooperation, building bridges between special procedures, treaty bodies, the United Nations, non-governmental organizations and human rights defenders, and had facilitated dialogue between different stakeholders in the field of human rights by the sharing of best practices between and recommendations made by States. It had opened doors to a dialogue where the North spoke on economic, social and cultural rights, and the South on political and civil rights. Despite these advances, the universal periodic review mechanism still faced obstacles, including the large number of recommendations made (on average 150 for each State reviewed) and the lack of financial means to implement them and to provide States with the technical assistance necessary. The rejection of recommendations by States and non-cooperation were other challenges that had to be addressed.

III. Conclusions

51. **Experts and speakers from the floor stated that the seminar had brought to light the legal, political and moral dimensions of international cooperation, which was multidimensional, and not directed by hierarchical relationships. A number of positive elements had emerged from the constructive study prepared by the Advisory Committee, but new additional channels needed to be explored, based on the principles of the Vienna Declaration and Programme of Action. To date, the focus had been predominantly on North-South cooperation; in the continued discussions on this issue, however, more attention should also be paid to South-South cooperation. In addition, the concept of non-cooperation should be defined and framed.**

52. **Participants reaffirmed the importance of the universal periodic review process as a new, innovative tool of the Human Rights Council. The first review cycle had brought to light that cooperation should not be seen only as something vertical (North-South), and that all States had gaps in their human rights performance that international cooperation could help to overcome. Follow-up on implementation of**

recommendations of special procedures and the universal period review should be strengthened.

53. There was also room for enhancement of cooperation not only on the universal periodic review process but also on a number of other issues highlighted by the experts. The importance of special procedures and civil society was underlined.

54. In his concluding remarks, the Chairperson observed that, throughout the historical development of the international human rights system, international cooperation had played a role. There had been international cooperation in the development of norms, and today there was an international code of human rights. There had been international cooperation for development, the latest manifestation of this being the Millennium Development Goals. There has been international cooperation in the operations of the human rights treaty procedures; in dealing with outrageous violations such as genocide and, previously, apartheid; in the development of the concept of the “responsibility to protect”, which envisaged preventive, mitigating and remedial measures for cases of genocide, ethnic cleansing, crimes against humanity and war crimes; in the establishment and operation of human rights fact-finding procedures; and in the values and policies laid down for the twenty-first century through the Millennium Declaration.

55. With regard to the law of international cooperation in the field of human rights, Member States had undertaken to cooperate under, *inter alia*, articles 1, 55 and 56 of the Charter, within the framework of human rights treaties, and under international customary law. In order to prevent, mitigate and address gross violations of human rights, Member States had undertaken to cooperate with the Security Council and the Human Rights Council.

56. The Human Rights Council had made numerous policy pronouncements on the concept of international cooperation, reiterating that it was one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, *inter alia*, international cooperation. The enhancement of international cooperation in the field of human rights was essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of human rights. In addition to their responsibilities before their own people, States had a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. International cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms. The promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations, to the benefit of all human beings. The role of international cooperation was to support national efforts and to assist in building the capacities of Member States in the field of human rights through, *inter alia*, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request and in accordance with the priorities set by the States concerned. States should take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights.

57. International cooperation had, and would continue to have, a vital role to play in addressing contemporary and future challenges of an evolving world. Urgent cooperative measures were needed in the face of such challenges as climate change,

pandemics and natural disasters, widespread poverty and underdevelopment, the continued existence of criminal and gross violations of human rights, pervasive inequalities and discrimination, and injustices against women and children.

58. Policy recommendations made for the enhancement of international cooperation in the field of human rights included the following:

(a) International human rights norms must be the foundation and benchmarks for international cooperation across the board;

(b) Conscience must play a bigger role in the practice of international cooperation, especially when dealing with international crimes and gross violations of human rights;

(c) International cooperation must play a role in the prevention, and alleviation and remedying of gross violations of human rights, and of civil, economic, political and social rights;

(d) Bilateral, regional and international cooperation should be aimed at addressing the adverse impact of consecutive global crises, such as the financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

(e) There is room for the enhancement of international cooperation in such issues as human rights education; the universal periodic review process; follow-up to recommendations made by human rights bodies; interactions among national human rights institutions; the right to development; international migration; the protection of children against their sale sold, prostitution and pornography; violence against women; South-South cooperation; and the mainstreaming of the theme of international cooperation.

Annex

Agenda of the seminar on the enhancement of international cooperation in the field of human rights

15 February 2013, Salle XXI, Palais des Nations, Geneva

Chairperson/Moderator: Bertrand Ramcharan

Morning, 10 a.m – 1 p.m.

10 – 11.30 a.m.

Session I: Role of international human rights instruments, the Human Rights Council and other United Nations bodies in developing the concept of international cooperation in the field of human rights

- Statement by the Deputy United Nations High Commissioner for Human Rights, Kyung-wha Kang
- Statement by the President of the Human Rights Council, Remigiusz A. Henczel
- Statement by the Permanent Representative of the Islamic Republic of Iran (on behalf of the Non-Aligned Movement), Seyed Mohammad Reza Sajjadi
- Statement by the Director of External Relations of the Council of Europe, Zoltán Taubner

11.30 a.m. – 1 p.m.

Session II: Setting the concepts: definition, scope, legal framework and the role of international cooperation for the effective promotion and protection of all human rights

Speakers:

- Laurence Boisson de Chazournes, member of the Human Rights Council Advisory Committee
- Dheerujlall Seetulsingh, member of the Human Rights Council Advisory Committee
- Zdzislaw Kedzia, member of the Committee on Economic, Social and Cultural Rights
- Alexei Avtonomov, Chairperson of the Committee on the Elimination of Racial Discrimination

Afternoon, 3 – 6 p.m.

3 – 4.30 p.m.

Session III: Sharing best practices, challenges and lessons learned

Speakers:

- Vicente YU, the South Center
- Sylvie Coudray, Senior Programme Officer, UNESCO

- Zanofer Ismalebbe, Human Rights Adviser, UNDP Geneva
- Bineta Diop, Founder and President, Femmes Africa Solidarité

4.30 – 6 p.m.

Session IV: The way forward: general prospects, the ways and means to enhance international cooperation in the field of human rights including through developing guidelines, technical assistance, the universal periodic review and other international mechanisms

Speakers:

- Independent Expert on human rights and international solidarity, Virginia Dandan, (written contribution)
 - Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’Jid
 - Former Special Rapporteur on the right to food and former Vice-Chairperson of the Human Rights Council Advisory Committee, Jean Ziegler
 - Executive Director of UPR Info, Roland Chauville
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