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Technical assistance and capacity-building

Albania,* Algeria,* Australia, Austria, Azerbaijan,* Belgium,* Brazil, Bulgaria, Canada,* Chile, Denmark, Finland,* Haiti,* Honduras,* Indonesia,* Iraq, Ireland,* Jordan,* Libya,* Luxembourg,* Morocco,* Netherlands,* Norway,* Portugal,* Qatar, Republic of Moldova,* Singapore,* Spain, Switzerland,* Thailand,* Tunisia, Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland and State of Palestine:* draft resolution

42/... Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

Recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recognizing that, in the context of technical cooperation and capacity-building, the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violations and to comply with their human rights obligations for the benefit of all human beings,

Bearing in mind the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

* State not a member of the Human Rights Council.



Recalling all relevant Human Rights Council resolutions on the enhancement of technical cooperation and capacity-building in the field of human rights, human rights in the administration of justice, and other issues relating to the human rights of prisoners, including women prisoners and offenders,

Bearing in mind the long-standing concern of the United Nations for human rights in the context of crime prevention and criminal justice, and emphasizing the fundamental importance of human rights in crime prevention and the daily administration of criminal justice,

Recalling all relevant General Assembly resolutions, in particular resolutions 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 70/175 of 17 December 2015 on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and 72/193 of 19 December 2017 on promoting the practical application of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), as well as relevant United Nations standards and norms in crime prevention and criminal justice relating to the treatment of prisoners and to alternatives to imprisonment, including the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),

Acknowledging that 2020 will mark the tenth anniversary of the Bangkok Rules, the thirtieth anniversary of the Tokyo Rules and the sixty-fifth anniversary of the adoption of the Standard Minimum Rules for the Treatment of Prisoners by the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, which were subsequently revised as the Nelson Mandela Rules in 2015,

Emphasizing that the Nelson Mandela Rules and the Bangkok Rules recognize the importance of technical assistance, capacity-building and the voluntary exchange of good practices and challenges faced in their implementation, and that the General Assembly, when adopting the Bangkok Rules, invited specialized agencies of the United Nations system and relevant regional and international intergovernmental and non-governmental organizations to engage in their implementation,

Mindful that one of the basic principles of the Nelson Mandela Rules is that all prisoners are to be treated with the respect due to their inherent dignity and value as human beings, that no prisoner is to be subjected to, and all prisoners are to be protected from torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification, and that the safety and security of prisoners, staff, service providers and visitors are to be ensured at all times,

Recognizing that women prisoners and offenders may be vulnerable and have specific needs and requirements, and that the General Assembly, in its resolution 65/229, invited Member States to take into consideration the specific needs and realities of women as prisoners when developing relevant legislation, procedures, policies and action plans and to draw, as appropriate, on the Bangkok Rules,

Mindful that, in order for the principle of non-discrimination embodied in the Nelson Mandela Rules to be put into practice, account should be taken of the distinctive needs of women prisoners in the application of the Rules, and that providing for such needs in order to accomplish substantial gender equality should not be regarded as discriminatory,

Recognizing the alternatives to imprisonment provided for in the Tokyo Rules, as well as the gender specificities of, and the consequent need to give priority to applying non-custodial measures to, women who have come into contact with the criminal justice system,

Recognizing also that the General Assembly, in its resolution 63/241 of 24 December 2008, called upon States to give attention to the impact of parental detention and imprisonment on children and, in particular, to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment, and that the Bangkok Rules and the Nelson Mandela Rules specify that States should take into account the best interests of the child,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

Appreciating the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, 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 and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in supporting States in developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, including those pertaining to the treatment of prisoners,

Noting with appreciation the contributions of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for Members and observers of the Human Rights Council to share their visions and views to promote more effective technical cooperation and capacity-building in the field of human rights, and to share concrete experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, and of accepted universal periodic review recommendations, and their achievements and good practices in this area;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and the consent of the States concerned, and should take into account their needs, and the fact that all human rights are universal, indivisible, interdependent and interrelated and aim to make a concrete impact on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights, including those relating to the human rights of prisoners, including women prisoners and offenders;

4. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society;

5. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building in the field of human rights, and encourages States to continue to make contributions to these funds, especially those who have not yet done so;

6. *Encourages* Member States to endeavour to improve conditions in detention, including by addressing the issue of overcrowding, consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and all other relevant and applicable United Nations standards and norms in crime prevention and criminal justice, to continue to exchange good practices in order to identify challenges faced in implementing the rules, and to share their experiences in dealing with those challenges;

7. *Encourages* Member States having developed legislation, procedures, policies or practices for women in prison or on alternatives to imprisonment for women offenders to make information available to other States and relevant international, regional and intergovernmental organizations, as well as non-governmental organizations, and to assist

them in developing and implementing training or other activities in relation to such legislation, procedures, policies or practices;

8. *Encourages* States in need of assistance to consider requesting technical assistance from the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and other United Nations agencies in the implementation of their human rights obligations and voluntary pledges and commitments, including accepted universal periodic review recommendations, and strongly encourages the Office of the High Commissioner and respective United Nations agencies to respond favourably to such requests and to provide information on the technical support provided to States;

9. *Stresses* the importance of enhancing coordination between the Office of the High Commissioner and other United Nations agencies in their technical cooperation and capacity-building efforts, and encourages the sharing of information on a regular basis among the Office, other relevant United Nations agencies and the States concerned on technical assistance and capacity-building efforts undertaken at the national level;

10. *Calls upon* the Office of the High Commissioner to enhance its cooperation, within its mandate, with the United Nations Office on Drugs and Crime in the provision of relevant technical assistance to countries and to identify the needs and capacities of countries in order to increase country-to-country and South-South cooperation relating to the treatment of prisoners, including women prisoners, and non-custodial measures for women offenders;

11. *Encourages* the special procedures of the Human Rights Council, in their interaction with States, to share information and their knowledge relating to best practices and the possibility of technical assistance and capacity-building in the promotion and protection of human rights, including, where applicable and within their respective mandates, those pertaining to the human rights of prisoners, including women prisoners and offenders;

12. *Welcomes* the panel discussion held pursuant to Human Rights Council resolution 39/18 at its forty-first session on the theme “Technical cooperation and capacity-building in the field of the human rights of older persons”, at which participants discussed relevant issues, including national and regional efforts to combat all forms of discrimination against older persons and to promote and protect their rights, the initiatives organized by the World Health Organization for the Decade of Healthy Ageing 2020-2030 and the Global Network for Age-friendly Cities and Communities, the potential impact of new technologies on the human rights of older persons and the importance of promoting the empowerment and meaningful participation of older persons;

13. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme of the annual thematic panel discussion under agenda item 10, to be held during its forty-fourth session, will be “Upholding the human rights of prisoners, including women prisoners and offenders: enhancing technical cooperation and capacity-building in the implementation of the Nelson Mandela Rules and the Bangkok Rules”;

14. *Requests* the Office of the High Commissioner to prepare a report, to be submitted to the Human Rights Council at its forty-fourth session, to serve as a basis for the panel discussion, on the activities and plans of the Office and relevant United Nations country teams and agencies, in particular the United Nations Office on Drugs and Crime, and regional organizations to support States’ efforts to promote and protect the human rights of prisoners, including women prisoners and offenders, in particular in the implementation of the Nelson Mandela Rules and the Bangkok Rules;

15. *Calls upon* States, international human rights bodies and mechanisms, relevant international organizations, national human rights institutions and civil society to share best practices and make use of the ideas and issues raised in the panel discussion to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts and build multi-stakeholder partnerships in the promotion and protection of the human rights, including the rights of prisoners, including women prisoners and offenders.