



Wilton Park



Report

Strengthening human rights in the crisis of peace and security

Monday 16 – Wednesday 18 January 2023 | WP3013

In partnership with:



Schweizerische Eidgenossenschaft
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Federal Department of Foreign Affairs FDFA



Ministry for Foreign
Affairs of Finland



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Summary

Almost a year after the invasion of Ukraine, and with an increase in conflicts globally, the international human rights framework, and multilateralism more broadly, are under serious pressure. Critics raise questions of legitimacy, and some states advance their own interpretation of human rights. Political polarisation threatens effective human rights protection.

Experts from governments, the United Nations (UN) and other international organisations, and from the non-governmental community, including human rights defenders from a range of conflict-affected countries, as well as national human rights institutions, came together to consider how to strengthen human rights at times of peace and during security crises. They examined the effectiveness of human rights mechanisms, particularly at the UN, in responding to human rights violations in conflict, as well as the relationship between the Human Rights Council (HRC) and the UN Security Council (UNSC) in this respect. Learning from the experience of conflict-affected countries, and assembled expertise, participants sought to identify examples of good practice and formulate recommendations to strengthen human rights protection in response to conflict and insecurity. The meeting also aimed to reinforce links amongst key agencies and actors from policymaking, human rights, and civil society communities.

Key points

- Revitalising human rights globally will strengthen national resilience at times of conflict and contribute towards understanding and responding to the underlying causes of conflict and instability before they result in violence.
- Restoring common ground and shared values among states and rebuilding trust is vital for creating strong coalitions for human rights protection. While it is a long game, with short-term costs, states undermine their own legitimacy if unwilling to engage on issues they find uncomfortable.
- Human rights should be integral to the UN's work on peace and security, and development, and reflected throughout the organisation's activities.
- The best form of protection is to avert threats of conflict before they occur: early warning and prevention are key. The full human rights toolbox should be used in preventing conflict.
- Without justice and accountability there can be no sustainable peace, and the international community should listen to local communities on how to deal with the past.

- Communicating human rights messages in language accessible to all and using the most effective means of communication are key to obtaining greater outreach, engagement and influence.
- 2023 marks the 75th anniversary of the Universal Declaration on Human Rights, the 25th anniversary of the Declaration on human rights defenders and other significant human rights milestones, providing occasions to campaign globally for human rights, emphasising the equality of all rights.
- Embedding human rights in a society's culture requires human rights education for all. Communicating with children and youth on human rights from an early age is a solid investment for the future.

Challenges to human rights in the contemporary world

“Some of the most serious human rights abuses take place in times of conflict and emergency”

1. Some of the most serious human rights abuses take place in times of conflict and emergency, impacting thousands of civilians and with a disproportionate effect on women and girls as well as persons and communities in vulnerable positions. The growth in conflict over the last year is reflected not only in the invasion of Ukraine but with security crises continuing in all parts of the world, often between non-state actors. Such conflicts can be multi-layered, compounded for example by climate change, displacement, or the residual pandemic.
2. Concomitant with mounting conflict, democracy is in decline. With the ascent of autocratic, or populist, governments there is rising hate speech resulting in social polarisation and intolerance, exclusion, discrimination, and misogyny, with pushback on gender equality. Environmental degradation impacts on a wide range of human rights, including the rights to life, health, food, water, and sanitation.
3. Within the UN, there are continuing efforts to counter human rights initiatives with powerful states arguing the primacy of national sovereignty and non-interference. Other states see human rights as ‘niche’, and complex, inflexible, and unconnected to political realities. Constant trade-offs are exacted, and human rights subjected to a transactional approach. At the same time, the credibility of some states which have traditionally aimed to champion human rights continues to be questioned because of double standards particularly resulting from the ‘war on terror’.
4. Although the UNSC continues to act in response to situations of crises, it has been unable to do so in some recent major conflicts, particularly when these involve permanent members. However, there has been notable improvement in the willingness of the UNSC to incorporate human rights in peacekeeping mandates, and human rights monitoring makes a significant contribution to these operations.

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Recommendations in response

“There is an overwhelming sense of the need to **re-energise or ‘reboot’ human rights globally**”

5. There is an overwhelming sense of the need to **re-energise or ‘reboot’ human rights globally**, to realise the vision of human rights underpinning the work of the entire UN system, as well as at regional, national, and local levels. In relation to conflict, human rights are essential to addressing the broad causes and impacts of all complex crises, and to building sustainable, safe and peaceful societies.
6. At the global level, the strategy to revitalise human rights protection and promotion should include:
 - i. finding new common ground, and building bridges and trust, at the UN and among states, using universal rights as the basis for dialogue; there is a need to take account of developments in the world since the UN was established in 1945, including the massive growth of stakeholders and the globalisation of information and economic relations. While indispensable, building coalitions is often a long-term endeavour.

“Human rights proponents should adopt a pro-active or bold approach, with a positive agenda”

- ii. reaffirming the equality of all rights, and identifying clear political objectives for human rights¹, while challenging the political systems and interest groups which threaten human rights. Human rights proponents should adopt a pro-active or bold approach, with a positive agenda, and there should be no ‘trade-offs’ or appeasement of human rights violators.
 - iii. increasing dialogue and information exchange between the three pillars of the UN, ensuring the integration of human rights throughout all the work of the organisation.
 - iv. all states acknowledging and addressing human rights problems in their own societies, however uncomfortable this may be, including the legacy of slavery and of colonialism.
 - v. promoting strong links between international civil society and national or local counterparts, as well as social movements, to support effective and representative national leadership and stem the decline of democracy. There is a need to strengthen national institutions, which can demonstrate, and ensure, human rights are domestically owned, refuting arguments of interference and national sovereignty.
 - vi. increasing funding for human rights activity from the regular UN budget, providing more predictable funding on an institutional basis, which would also constitute a political signal of the importance attached to this work.
7. The best form of protection is to avert threats of conflict before they occur; **early warning and prevention are key**. Among some politicians, and other decision-makers, there is a need to gain recognition of, or reinforce, the relationship between conflict and human rights. A society’s commitment to human rights, gender equality, inclusivity and diversity correlates to its resilience to crises, and more evidence should be presented to demonstrate this.
8. Enabling early warning of potential crises, and undertaking preventive action, requires information, collaboration, and coordination, with a range of sources, as well as timely communication. Ways to improve the effectiveness of the UN’s human rights machinery in early warning and prevention include:
- i. reinforcing the centrality of human rights by ensuring full implementation of the HRC resolution on ‘The contribution of the Human Rights Council to the prevention of human rights violations’.² The resolution seeks, inter alia, “... to continue to strengthen the capability of the Office of the High Commissioner to identify, verify, manage and analyse data and early warning signs emanating from all sources ...” and to bring such information to the attention of the HRC with the degree of urgency it requires. The HRC’s role includes initiating preventive diplomacy actions such as dialogue with the state(s) concerned.
 - ii. undertaking in-country visits by the High Commissioner for Human Rights (HCHR), or other human rights mandate holders, including the HRC, with the aim of defusing potential conflict situations, and changing dynamics. In this connection, special procedure mandate holders should work together in better synergy.

“The best form of protection is to avert threats of conflict before they occur”

¹ As an example, the ‘Four Freedoms’ speech in 1941 of President Roosevelt, which became foundational principles of the UN and embodied in the Universal Declaration of Human Rights, was cited. The four freedoms were: freedom of speech, freedom of worship, freedom from want and freedom from fear.

² Resolution A/HRC/RES/45/31 adopted by the HRC on 7 October 2020

“Good governance and respect for the rule of law are vital for addressing grievance and preventing conflict”

- iii. using, as appropriate, the full human rights ‘toolbox’ in preventive action, for example monitoring, capacity building and technical assistance, dialogue with states in both private and public, advocating sanctions or accountability, and calling upon the UNSC to exercise its role in addressing urgent and potential conflict situations.
- iv. maximising the opportunities provided by the Universal Periodic Review (UPR) to build strong national institutions and greater resilience at national level and for accountability. Good governance and respect for the rule of law are vital for addressing grievance and preventing conflict. Robust national institutions, including national human rights institutes, should exact accountability from government. The UPR process could perhaps have greater impact if it builds into its procedures an in-country meeting after the examination of a state. This could be organised by an embassy of one or more of the other states involved in the procedure, bringing together representatives of government, national institutions, and civil society for discussion of how to implement recommendations and ensure execution of follow up.
- v. compiling a repository of good practices in relation to protecting human rights at times of conflict – there has been longstanding experience in a variety of situations and bringing together information on best practice would provide invaluable reference material.
- vi. strengthening the work of the HRC itself by applying human rights criteria for membership of the body.
- vii. enabling civil society organisations to contribute more regularly and significantly to the UN’s human rights machinery through more consistent guidelines governing the involvement of civil society in human rights bodies, rather than what is described by some as the ‘hotchpotch’ of procedures which currently pertain.

“Information from human rights bodies needs to be used more consistently by the UN’s political organs in New York”

- 9. Communication between Geneva and New York, across the board whether between the respective secretariats, UN bodies or government delegations, should be improved. Information from human rights bodies needs to be used more consistently by the UN’s political organs in New York. The new HCHR should use his mandate to brief the UNSC. When the UNSC is unable to act on an urgent situation, the HRC should address its concerns to the General Assembly (GA) and press for consideration through an emergency special session of the GA under its Uniting for Peace mechanism, recently employed to good effect on Ukraine. Non-permanent members of the UNSC, including small states, can use their term of office with significant results, as demonstrated by Norway in obtaining particularly ambitious human rights provisions in a recent peacekeeping mandate.
- 10. Maintaining a regional, and sub-regional, outlook is important for early warning and conflict prevention, including in relation to protection of minorities and migration issues. The African Union is developing a prevention-focused human rights framework to enable better coordination and coherence through early warning.
- 11. Exploring behavioural science to create both incentives and consequences could add to the prevention toolbox; experimenting with artificial intelligence in scenario building may also provide a further dimension.

“Without **justice and accountability** there can be no sustainable peace”

- 12. Without **justice and accountability** there can be no sustainable peace. Accountability can have different meanings for different people. Considerations when addressing accountability should include:
 - i. the international community needs to listen to local communities on how to deal with the past.
 - ii. emphasis should be placed on providing access to justice for all.

“A victim-centred approach is required, including support for victims of rape and widows”

- iii. provision of remedy is key, without which there is no closure.
- iv. a victim-centred approach is required, including support for victims of rape and widows.
- v. there are intrinsic difficulties in the collection of information and evidence during conflict, but it is huge importance for future prosecutions to preserve a record of what has occurred. Different thresholds of evidence will apply, and there cannot always be criminal prosecutions. No statute of limitations should be applied.
- vi. there is a need to keep transitional justice strategies under review, learning constantly from experience and taking account of the full range of options, including alternative dispute mechanisms.
- vii. sanctions may sometimes be applied too quickly on states, with limited success and undue care or concern for their impact on the socio-economic situation of the population at large; targeted, Magnitsky-type sanctions on individuals or entities may have greater impact. There should be learning across organisations and sharing of experience on the impact of sanctions.
- viii. there are examples through the years of international organisations exercising accountability by demonstrating that certain behaviour by a state will have clear consequences. South Africa, for example was expelled from the UN in 1974 and the Council of Europe expelled Russia in 2022.
- ix. addressing historic abuses is important; while there is an HRC mandate on contemporary forms of slavery, a commission to examine slavery over the centuries, including reparations, could be appropriate.

13. Some persons or groups are in **the most vulnerable** situations, and disproportionately affected by conflict. Intersectionality, when forms of disadvantage intersect with one another, needs to be identified, as it highlights the vulnerable who are not always most visible, for example older or persons with disabilities. Undertaking a vulnerability assessment can help address specific needs. Developing indicators for how a society treats vulnerable groups may also provide a useful barometer. Gender-sensitive responses to conflict are also needed. Some of the issues arising in relation to gender, vulnerability and conflict include:

“Some persons or groups are in **the most vulnerable** situations, and disproportionately affected by conflict”

- i. advocacy of a feminist foreign policy, people-centred and informed by the everyday experiences and needs of the people who feel the consequences of policy decisions – “nothing about them without them” – and transposition of this process to the domestic sphere. While promoting women’s full participation, it is, of course, necessary to work with men and gain their support for such an approach, demonstrating that men will benefit from the full involvement and empowerment of women. Gender sensitivity is also a development issue and gender equality makes smart economic sense.
- ii. while donors may build in a gender element at the outset of projects, donor consciousness is not sufficient; there is also a need to help change the mentality of the domestic political leadership, including convincing traditional leaders in rural areas.
- iii. there is a perceived absence of a forum where issues of gender, equality and conflict can be adequately discussed.
- iv. a lack of legal protection through the criminalisation of same sex relationships in some 66 countries is further aggravated at times of conflict for members of LGBTI communities. While humanitarian assistance efforts now recognise these specific problems, the need far outweighs resources. It is essential to work with LGBTI networks to train the humanitarian community on how best to respond.

- v. Often operating in conflict and post-conflict areas, human rights defenders need continuing support, and strengthening of the protection mechanisms for their safety, including full implementation by states and others of the measures outlined in the HRC resolution adopted in 2022³ on the contribution of human rights defenders in conflict and post-conflict situations.

14. **Gaining greater outreach** is important for protecting human rights at times of peace and conflict. Among sectors it is significant to influence are:

- i. Security actors, the military and police in particular, as well as the business community, including multinational companies and private security service providers, with whom there should be sustained engagement, and not only in situations of conflict. In addition to the norms of international human rights and humanitarian law, other standards exist specifically governing the conduct of these communities. This information needs to be disseminated more widely among the sectors involved to encourage greater compliance. These include: the Voluntary Principles on Security and Human Rights, a multi-stakeholder initiative among businesses, governments, and civil society; the UN Guiding Principles on Business and Human Rights, designed to implement the framework “Protect, Respect, Remedy”; and the International Code of Conduct for Private Security Service Providers, governed by an independent oversight mechanism.
- ii. insurgent groups, to address human rights concerns, but without legitimising them, acting in a similar capacity to the International Committee of the Red Cross.
- iii. Children and youth, to communicate from an early age and on a continuing basis constitutes a solid future investment. Materials for human rights education need to be relevant, and inspirational; programmes and plans guiding human rights education exist and need to be shared and used globally. Young people should also be fully involved in devising materials and approaches suited to their peers. Engaging with youth will help to counter intergenerational inequality and enable intergenerational conversations. Youth have lived experience and can contribute substantively by recommending what should work best in a range of contexts. Organisations, and other entities, could promote young persons’ input by appointing a Youth Advisory Council; some countries have Youth Ambassadors, whom they include in international meetings. The UN has had an Envoy on Youth since 2013. Greater consideration could be given by organisations to recruiting younger persons to appropriate positions. Involving youth fully at national level will enhance local participation.
- iv. other communities which can amplify human rights messaging and outreach, including faith and sports groups.

15. It is essential that the **language of human rights is accessible to all and communicated in a way that is meaningful**, speaking of values and avoiding jargon. Messaging should be positive, conveying the significance of human rights protection and a sense of agency. There should be a focus on solutions, and ‘success stories’. A positive narrative can form part of a prevention strategy. The means used in communicating should also be tailored to the target. Various social media can reach communities more conventional communications will miss. Strategies should be designed with digital in mind, including in advocacy and in education. Human rights messaging may need to become more literate or skilful – “tech savvy” - in using digital communications. There should be sharing of knowledge and information on how best to communicate human rights. The EU’s Fundamental Rights Agency has a working group on communications on Facebook specifically to

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³ A/HRC/RES/49/48, ‘Recognizing the contribution of human rights defenders, including women human rights defenders, in conflict and post-conflict situations, to the enjoyment and realization of human rights’, adopted on 1 April 2022

share best practice, which others can access.

16. While **social media and digital communications** are mostly used to good effect, they also raise concerns. These include:
- i. embedding disinformation more quickly than conventional information channels, which at times of conflict can be used to create an enemy.
 - ii. women, and minorities, are disproportionately affected by online hate speech, harassment, and bullying; while it is acknowledged that some technology companies have taken steps to counter this, more needs to be done, for example establishing an oversight mechanism to cover the whole industry. In any case, more attention needs to be given to preventing abuse and not just reacting to it. There should be sustained engagement with tech companies; their practices will not evolve without this. They need to be held accountable.
 - iii. online data needs to be stored safely, and sharing of information, for example among the donor and humanitarian community, needs to be handled responsibly.
 - iv. human rights defenders need to know how to keep themselves safe online.
17. There is an urgent need to regulate harmful usage of some modern technologies, such as drones and spyware, both employed for intrusive surveillance. Whether this could be done by treaty, or a moratorium on sales, are open questions.
18. Re-booting human rights requires **capitalising on all future opportunities** to conduct global campaigning for human rights at all levels, including the 75th anniversary of the Universal Declaration of Human Rights, 30th anniversary of the World Conference on Human Rights and 25th anniversary of the Declaration on human rights defenders. At the HRC, an inter-regional group, including civil society membership, should be established to prepare at the global level. A Human Rights Week of activities might be envisaged, coinciding with 10 December, incorporating art, dance, and film. In rural areas human rights caravans can bring information about rights geared to rural living, such as the importance of girls attending school and maternal health issues. Other occasions in the calendar when human rights messages can be emphasised include International Women's Day (8 March), Press Freedom Day (3 May), and International Day against Homophobia and Transphobia (17 May). Donors should provide funding for campaigns at grassroots, informed by the needs of local communities, and emphasise all rights are equal. Preparation should be underway to ensure that human rights considerations are injected into the deliberations of the UN Summit of the Future, to be held in 2024 to address 'Multilateral Solutions for a Better Tomorrow'.

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"Re-booting human rights requires **capitalising on all future opportunities** to conduct global campaigning for human rights at all levels, including the 75th anniversary of the Universal Declaration of Human Rights"

Isabelle Jaques

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