



Wilton Park



Report

Overcoming challenges to universal human rights: developing prospects for new alliances?

Monday 15 – Wednesday 17 January 2024 | WP3254

In partnership with:



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Seventy-five years after the landmark adoption of the Universal Declaration of Human Rights, there has been huge progress, in law, politics and diplomacy in promoting and protecting human rights globally, preventing violations and holding those responsible to account. Yet the international human rights framework, and multilateralism more broadly, are currently under strong pressure. The geo-political landscape is shifting. There is increasing polarisation among states, while new powers and alliances are emerging. The universality of human rights is being challenged. Significant obstacles in the implementation of international and regional human rights obligations and standards remain, as well as the enforcement of decisions of international bodies, resulting in impunity.

Concerned about a rollback of human rights, a range of experts from governments, regional organisations and the non-governmental community came together to examine the tactics and strategies being deployed to recast or undermine the international human rights framework. They further sought to re-energise alliances for promoting, protecting, respecting and fulfilling human rights, to share successful strategies, and to develop prospects for new alliances.

Key points

- Building trust requires a long-term effort, honest communication, self-awareness, and self-criticism. The backsliding of democracy and increase in authoritarian tendencies can be witnessed around the world. Perceived lack of representation, greater inequality, and the lack of political leadership in delivering for all are factors that have nurtured these trends. At the international level, double standards are applied based on geopolitical interest. There is a need for all to address the root causes of this distrust, double standards and inconsistencies. Efforts should be made to have dialogue with non-traditional allies, with discussions taking place in neutral settings. Solutions necessarily include efforts to make institutions more legitimate, just and fit for purpose by improving inclusion and representation.

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- While it is important to react objectively to specific crises and situations of human rights violations, there is a pressing need to think about human rights strategies in a much longer-term perspective than currently happens. This would include embracing the full spectrum of human rights, for example speaking out more about economic and other inequality issues.
- Progress in protecting human rights has increasingly been made at a grassroots level, and the role of civil society is critical. This needs greater recognition. Efforts should be made to underscore the value a vibrant civil society brings. A robust approach is needed by governments to speak out to counter the closing of civic space, and at an early stage.
- Human rights defenders, including those who protest the exploitation of resources on the lands of indigenous peoples and environmental degradation, are under attack through various state harassment strategies for carrying out their human rights activities. The detention and killing of human rights defenders require specific monitoring and coordinated responses by states and across the UN system. Media have a crucial role to play in this.
- Young people represent the future, and there should be greater engagement with youth so that they can contribute towards the work of international organisations. The UN Summit of the Future provides an important opportunity in this respect. In many places, young people are willing to defend their human rights, even by engaging in protests at the risk of being arrested. While youth are protected under the international framework of human rights, greater attention should be given to issues which particularly affect young people.
- There is a need to build diverse and cross-regional coalitions in governmental fora both to avoid politicisation of human rights issues, and to be effective. In creating such alliances, there is often a dilemma between principle or pragmatism. A useful distinction can be made between tactical collaboration, for example on a particular issue, and strategic alliance, where there is a higher degree of trust and a shared long-range vision.
- Building bridges and partnering effectively with sectors beyond traditional human rights actors, for example business, is important. Significant developments have occurred with the UN Guiding Principles on Business and Human Rights, setting standards for business conduct and due diligence; some companies have adopted the procedures and practices required. Yet much more needs to be done to familiarise all business with these requirements and monitor their implementation.
- Universality of human rights must be the guiding principle that puts the individual at the centre. There is a clear need to build and broaden a political constituency for human rights by speaking to people in accessible language on the need to promote and protect human rights. This language should start with the basic concepts of human dignity, respect, tolerance, and decency.

The contemporary context impacting human rights

1. A complex array of crises and challenges confronts today’s world, all of which have implications for human rights: climate change, environmental degradation and widening global inequality, leading to forced migration, require urgent attention; conflict and violence are on the rise, prompting widespread insecurity. With 2024 estimated to be the biggest election year in history, populism, and autocracy, partly fuelled by the manipulation of information, are confronting democratic governance. Stigmatisation and marginalisation are rife.

2. Civic space, including the right to protest, is shrinking throughout the world. Human rights defenders are being targeted to an unprecedented extent, including harassment in UN fora, especially of women. The rights of women, indigenous peoples, minority groups and others in vulnerable situations are under attack. Governments are accused of being unwilling to speak out robustly about such attacks on human rights defenders, or act when there are early warning signs of the erosion of, or disregard for, their rights.
3. Without losing sight of the undeniable progress made to-date, the credibility and integrity of multilateral human rights institutions and the effectiveness of the human rights machinery are significantly impacted by politicisation and selectivity, the application of double standards and inconsistency.

Countering the climate for erosion of human rights and addressing violations

“How can human rights be shown to correspond better to societies’ expectations, and have a meaningful and concrete impact on people’s lives?”

4. No country’s human rights record is uncontested, and democracies are not exempt. There is mounting concern that democracies are failing to meet their public’s expectations, with some electorates looking towards populist parties. A greater number of authoritarian governments have taken control in recent years than twenty years ago, with resultant curtailment of human rights. To understand these developments from a human rights perspective there needs to be better analysis, listening to and engagement with popular concerns. How can human rights be shown to correspond better to societies’ expectations, and have a meaningful and concrete impact on people’s lives? Issues of economics, poverty and inequality are inevitably priorities. Importantly, the Office of the High Commissioner for Human Rights (OHCHR) is developing the concept of a ‘human rights economy’, whereby human rights principles and obligations should be incorporated into economic decision-making. OHCHR should be supported in this work. Further thought must be given to how best to communicate to people the role human rights can play as a pathway towards economic well-being and addressing inequalities, underlining the indivisibility of rights. Human rights principles should be integral to access to public services and social protection. There is a clear need to build and broaden a political constituency for human rights by speaking to people in accessible language.
5. Closing of civic space occurs incrementally, often through the passage of law, and needs to be tackled early. The LGBTIQ community has, for example, been criminalised in parts of the world. Organisations defending these rights must concentrate on their own survival and cannot be proactive in defence of their rights. Civic space further closes when organisations appear to retreat and, in a defensive mode, organisations lose the capacity to set and advance their strategies. There is a sliding process of deterioration to the rule of law.
6. Perhaps less visible though no less effective, civic space is also constrained by corporations through the widespread use in recent years of strategic lawsuits against public participation (SLAPP) in all parts of the globe. These threaten the right of those challenged, often environmental campaigners and other human rights defenders, to bring matters of public interest to wider attention. Successful suits can impose significant fines and criminal sanctions. As a tactic, the use of SLAPPs deters others from speaking out and has a broader intimidating effect on society.
7. A similar impact of silencing advocacy is achieved by the recurrent reprisals in their home countries against human rights defenders who testify at the United Nations, both in New York and Geneva, especially women and LGBTIQ people.

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“other sectors of society, in particular business, can exercise an increasingly important role by operating in a manner compliant with international standards”

8. Against this background, human rights defenders, including those in marginalised communities, continue to face sustained attacks, torture, and killings.¹ In some of the most acute situations, there is little or no access to accurate data about these abuses. In crisis situations, human rights activists may feel abandoned by the international community, both governmental and non-governmental.
9. Without accountability for acts of torture and killings impunity prevails. There should be a proactive stance against impunity, without exceptions, and support for the International Criminal Court and other accountability bodies. Reporting on torture and killings is essential, naming names and citing situations. Governments remain sensitive to such accusations, and the international community must not shy away from seeking accountability.
10. While governments are primarily obligated to respect and protect human rights, other sectors of society, in particular business, can exercise an increasingly important role by operating in a manner compliant with international standards. With the endorsement in 2011 of the UN Guiding Principles on Business and Human Rights (UNGP) a set of guidelines was established for states and companies to prevent, address and remedy human rights abuses committed in the conduct of business. The UNGP specify the state’s duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for victims of business-related abuses. Yet the UNGP constitute a floor only for human rights protection, and not a ceiling. They direct voluntary action and regulation. Even on this basis, while some companies have made much progress in adapting their procedures and practice in accordance with the UNGP, many have yet to do so.
11. A recent development, in the EU framework, is seen as a game-changer for regulating business conduct if it is adequately enforced. The corporate sustainability due diligence directive (CSDDD) aims to foster sustainable and responsible corporate behaviour and to anchor human rights and environmental considerations in companies’ operations and corporate governance. Large businesses will need to address adverse impacts of their actions, including in their subsidiaries, and those carried out by business partners, inside and outside Europe. It furthermore provides penalties and civil liability for infringing these obligations. Monitoring and implementing this directive will inevitably be challenging. Whether it will provide inspiration for other regions is also an open question at present. There is concern that the directive will be seen by some as an instrument of EU protectionism, and strong civil society support for the initiative would be useful. The CSDDD needs champions if it is to succeed. It is suggested that EU human rights ambassadors may play a role in this respect.

Building new alliances

12. There is a recognised need to build diverse and cross-regional coalitions, to counter polarisation and to look for opportunities to work more effectively to promote and protect human rights. More regular dialogue, perhaps in neutral settings, could be useful with non-traditional allies. There should be conscious efforts to include smaller states.

¹ In 2022 alone, over 400 human rights defenders were killed because of their human rights work – and this is just the number of confirmed killings, *Protecting human rights defenders at risk: EU entry, stay and support*, European Union Fundamental Rights Agency, 11 July 2023

“Building trust is a long-term project which requires honest communication, self-awareness, self-criticism and acknowledgement of mistakes or failures”.

13. In seeking greater dialogue, there needs to be reflection on the roots of mistrust, a recognition of others’ histories, on a non-selective basis, and the difficult issues that arise from the historical record, including slavery and colonialism. Building trust is a long-term project which requires honest communication, self-awareness, self-criticism and acknowledgement of mistakes or failures. Sensitivity to representation in the decision-making structures of international bodies, and their inclusivity, are also issues.
14. Practical questions arise when constructing new alliances. Should these be guided by principle or pragmatism? There may not be agreement on everything, although should there perhaps be a bottom line as cooperation could otherwise become meaningless? A step-by-step approach is advisable, which requires improved collaboration among diplomats in capitals. A useful distinction was identified between tactical collaboration, generally covering a particular issue, where there is a shared goal, and strategic partnership, with a higher level of trust and a shared vision. New alliances should be based on dialogue which identifies common ground. Shared commitments under international law are one such starting point.
15. The need to build and sustain trust is not only confined to governments. Trust may also break down between governments and (international) non-governmental organisations on the one hand, and local human rights activists on the other. Or within the non-governmental community itself.
16. Civil society organisations also benefit from working in alliances. For example, there is widespread concern that gender equality is being dismantled, with opponents of the concept in some instances using state institutions, including courts, as a tool. Continuing discriminatory gender norms, compounded by the impact of the recent pandemic and the widespread economic downturn, have had disproportionate impact on women’s equality. There need to be champions of equality in state bodies, and gender bias in institutions must be challenged. While local feminist movements need dedicated financial support,² there is strong impetus to work cooperatively with others and avoid silos.
17. Conservative religious groups have weaponised gender rights. They are courted by a range of governments and have become influential in UN fora. That said, most faith groups are also human rights advocates. Multireligious groups can be highly effective in their work, including on gender equality. Faith groups involving LGBTIQI persons also have a role.
18. There has been immense progress in advancing disability rights since the 1990s, and the adoption in 2006 of the UN Convention on the Rights of Persons with Disabilities was instrumental in this. While the disability community active in international fora is highly united, and unable to concede on principles, it essentially constitutes “a bubble within a bubble”. It needs to reach out to actors beyond its constituency. Such solidarity with others will avoid any playing off one group against another in pursuit of financial and other advantage.³

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² Despite new funding commitments made, women’s rights organisations receive only 0.13% of the total Overseas Development Assistance, and only 0.42% of foundation grants are allocated towards women’s rights, Association for Women’s Rights in Development, ‘Where is the money for feminist organising?’, 2021

³ Just 0.1% of all international aid since 2012 was allocated to projects with a primary focus on disability, Bond, ‘Disability inclusion: the mismatch between commitments and investment’, authors Yasmin Jeffery and Sara Gwynn, 22 August 2023

Next steps

Recommendations for specific actions

19. The following proposals were made to respond to the challenges identified:

1. In response to the lack of trust, to facilitate building new alliances and encourage long-term thinking a 'Davos of Human Rights' is recommended - a forum for human rights akin to the World Economic Forum. This envisages bringing together small groups from across society, for example academics, companies and governments, representing a multidisciplinary approach. The two-day meetings should be in intimate settings and held in five different regions. Based on a theme or proposal, an open exchange should be encouraged. Support for the meetings would be provided by one or more major foundations with strong human rights programmes, while design of the meetings would be in partnership with civil society organisations and academic experts. The output of these meetings, which should start as soon as possible, would constitute proposals for the UN Summit of the Future, to be held in September 2024, to commence reflections with a long-term perspective on 'Human Rights at 100'.
2. While the Convention on the Rights of the Child protects children and young people until the legal age of 18, there are felt to be specific protection needs by international mechanisms for young people aged over 18, in a range of areas including education, employment, and mental health. Over a 10-year period approximately, it is recommended that a number of global consultations between special procedures and young people be held, hosted by governments. In addition to sensitising special procedures to the needs of youth, the output from these discussions could inform provisions of a new treaty, or policy framework.
3. A second recommendation concerning youth advocates enhancing youth participation - persons under the age of 35 - in the Summit of the Future and, more broadly, across the UN system. The Summit of the Future should create youth representatives - designated youth ambassadors or envoys, anchored in the office of the Under-Secretary-General for Youth - to work across the UN system, increasing youth participation and popularising among their peer group the outcomes of the Summit. The youth envoys should be mandated to report back to the General Assembly and Human Rights Council on progress in increasing youth representation and participation in the UN system. youth, the output from these discussions could inform provisions of a new treaty, or policy framework.
4. To counter a decline in confidence in democratic governance and its institutions, it is proposed to promote human rights education, personalised, inclusive of the next generation of voters and in accessible language, aiming to convince people of the value of democracy and human rights. The campaigns, run in the year before elections are taking place, would not necessarily use the language of human rights, speaking instead of 'respect', 'dignity', 'civility' and 'fairness', at home and work. Using social media, and developed through networks of communication specialists together with national human rights institutions, the methodology would be informed by practice and know-how employed in the global South. A fund to support this initiative should be established by governments concerned at democratic backlash.
5. Coherence in the international human rights system is important for forming alliances and there has long been concern at the uncoordinated or even divergent treatment of issues by UN bodies in Geneva and New York. Knowledge sharing and management, between different bodies, such as the Human Rights Council, the Third Committee of the UN General Assembly, and

the Fifth Committee, dealing with financial issues, needs to be improved. There is overlap in the responsibility of different mandate holders, detrimental to their efficient functioning. It is the responsibility of states to ensure greater coherence in the system.

6. To enhance spaces for bridge-building and debate of difficult or controversial issues at the Human Rights Council states should make efforts to enlarge the membership of the core group sponsoring a controversial resolution. Additionally, increasing the number of resolutions proposed by core groups, as opposed to a sole member state, would enlist unused potential. The resolution on human rights defenders is a case in point.
7. Overt reprisals against human rights defenders specifically within the UN system, are on the rise and represent a huge challenge. While there are mechanisms in place to take action – the UN Secretary General's Office, the Special Rapporteur on the situation of human rights defenders and UN Women – there is no coordinated response across UN bodies, or strong reaction from states. It is proposed the UN Secretary General's Office, in conjunction with the Special Rapporteur should lead action in response and engage media in this.
8. A second urgent call to act concerns killings of human rights defenders, although arguably this initiative could be extended to their detention, to act at the earliest moment of alarm. There is often a dearth of information about what has happened in the killing of some human rights defenders. A coalition of states, using their embassies and other tools, needs to track and monitor, verifying whenever possible what has occurred. It is suggested that this could usefully involve the network of human rights ambassadors which has recently taken shape among 10 or more EU and other countries, notably for a discussion based on SDG 16 promoting peaceful and inclusive societies, and providing access to justice for all. National human rights institutions could also play a part. There is an imperative for data collection, which could also be used to press for accountability as well as to memorialise human rights defenders.
9. While the new EU directive on CSDD is a very welcome development, its implementation is certain to be challenging, for business and civil society. There is a need to discuss, in practical terms and in a positive space, how it will operate, among governments, business, and civil society. One suggestion is to illustrate the issues by examining a specific sector, for example mining. Or it may be advisable to start with a sector that attracts less controversy. As to where to start such a dialogue, Davos could be one venue, although it is felt important to ensure that such a key human rights conversation also happens at the Summit of the Future.
10. Outreach to the business community, to share information and to build alliances, is critical. Human rights actors should endeavour to identify potential allies on human rights issues in global industries which are not to-date engaged with human rights. Industries could include big technology companies, or extractive industries. Due diligence requirements could, for example, be used as a vehicle to demonstrate how business can help protect human rights defenders. An ongoing project, it should start as soon as possible, resources permitting.

11. Ubuntu, variously translated as ‘humanity’ or ‘oneness’, describes a set of African-origin value systems that emphasize the interconnectedness of individuals with their surrounding societal and physical worlds: I am because we (or you) are. The proposal for an Ubuntu project seeks to analyse the origins of how family values, as a limitation on individual human rights, have multiplied across the world – in Africa, Asia, and the Pacific - as a result of colonialism. It aims to enhance the aspect of ‘community’ in human rights, facilitating openness and empathy. Work on this project would be conducted in the global South among governments and civil society.

Recommendations for specific actions are also reproduced in tabular form in the ‘Emerging Ideas’ annex to this report.

The Summit of the Future

20. The Summit of the Future represents an opportunity to forge a new global consensus on how the future should look, and the steps to secure it. ‘Human rights and participation’ is one of the seven themes identified for the Summit. Efforts should be made to optimise the platform the Summit provides, identifying a proactive agenda to advance support for human rights throughout the world.

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Annex

Emerging Ideas

Initiative	What	Who	When/First steps
1. Davos of Human Rights	International retreat series with participants from across governments, NGOs, businesses, non-traditional human rights allies to build partnerships and trust. 2-day retreats in 5 regions building up to a high-profile conclusion. Mixing viewpoints and hierarchical levels	Hosted by one or two powerful foundations with strong human rights programmes in partnership with member states, partnering with CSO and academia for programme design	UN Summit of the Future: starting point for reflections on “Human Rights at 100”
2. Recognize the Rights of Young People	UN Convention to find harmonized approach to protect young people	Member states hosting regional consultations undertaken by Special Procedures	First Step: Global consultations of young people with special procedures. Timeframe: Within 10 years
3. Simplify Human Rights Language	Human Rights Education and learning beyond “human rights lingo”, based on simple language around dignity, civility and respect, showing the benefits of Human Rights for everyone.	Human Rights communications experts, NHRIs, Funded by member states concerned with democratic backlash	In countries in the year running up to elections, based on practice and know-how of existing initiatives, namely from the global South.
4. Enhance thematic coherence in UN Human Rights system	<ul style="list-style-type: none"> - Enhance coherence and knowledge management between HRC, UNGA 3C and 5C. - Disentangle fragmented funding - Reduce repetition of initiatives and pressure on special procedures mandates holder 	Member states	ASAP
5. Protection of Human Rights Defenders	Two Challenges: (1) Killings of Human Rights Defenders; (2) Reprisals in the UN System. There is a lack of blueprint for a coordinated response by states, despite variety of initiatives (UNSG Office, UNSR, UN Women)	HRD Memorial: Data collection. UN SR HRD Human Rights Ambassadors Group	Mapping of existing initiatives and UN mechanisms with states in lead, followed by central mechanism for reporting. Media has crucial role in implementation. SDG16 discussion, led by Group of Human Rights Ambassadors
6. Implementing the EU Due Diligence Directive	EU Directive on Due Diligence: Create positive dialogue space for implementation.	Member states with businesses and NGO	UN Summit of the Future
7. A safe space at HRC for controversial debates	Encourage broader Core Group membership for resolutions on contentious issues (e.g. Human Rights Defenders Resolution)	Member states	Next Session of HRC
8. Bring together traditional and non-traditional HR actors	EU Directive on Due Diligence as example: Identify allies in global industries not engaged yet regularly with human rights practitioners	Member states and businesses	ASAP
9. Enhancing Youth Participation across the UN	Youth representatives to implement roll-out and publicise conclusions of Summit for the Future. Envision reporting to UNGA/HRC as follow.up	Youth Representatives	UN Summit of the Future
10. “Ubuntu Project” (“Colonial Heritage Project”)	Analyse how “family values” initiatives have been proliferating across the world through colonialism	Global South Member states, NGOs, etc	ASAP