



Wilton Park



Report

Human Rights 2022

Monday 21 - Wednesday 23 February 2022 | WP2011

In partnership with:



Schweizerische Eidgenossenschaft
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Summary

There is growing disquiet over the multiple challenges currently confronting the international protection of human rights. Increasing attacks on human rights defenders throughout the world, moves to divert and subvert international human rights mechanisms and a questioning of long-established fundamental human rights norms and principles, have emerged alongside the hurdles raised by new global issues, such as climate change, the environment, information technology and, more recently, vaccine policies. This conference provided a timely opportunity for a major reflection on these various challenges and an exchange of ideas on how best all concerned parties might respond.

This was the first in person human rights conference at Wilton Park for two years, due to the Covid-19 global pandemic. The opportunity to meet in this forum was greatly appreciated, particularly in light of the continuing substantial logistical difficulties. Experts from governments, the United Nations, and other international organisations, as well as national human rights institutions, human rights defenders and representatives of the business community, came together to identify and analyse the key challenges, explore solutions and identify ways to recommit to fight to retain hard-won progress.

The meeting took place at a time when tensions were rising on the borders of Ukraine, and there was much concern regarding the human rights implications of the imminent conflict and the impacts on the people of Ukraine.

Key points

- In order to counter the current attacks on human rights, stronger and broader strategic alliances need to be formed involving all stakeholders – governments, civil society, business, media, faith communities – sharing the responsibility, striving for greater human rights protection and speaking out against unfounded counter-narratives.
- After many years of discussions on the issue, the UN human rights machinery is now in urgent need of reform to render it more effective and accountable and retain the trust of rights holders.
- Shrinking civil space across the world calls for reflection by all concerned on how to regain agency at this difficult moment. Human rights discussions need to be more inclusive.

- Much remains to be done on many levels to improve understanding of human rights throughout the world and their portrayal to the public – through schools, media, national human rights institutions, politicians and faith leaders, inter alia.
- Energy should be put into producing and communicating evidence of the positive results that human rights efforts can generate for all individuals. National human rights institutions, governments and NGOs, faith leaders, people in business and people in sport should take all opportunities to convey positive messages, reaching different audiences and dispelling notions of elitism.
- The impact of global economic dependencies on respect for human rights – civil, political, economic, social and cultural - calls for a range of legal and political strategies to be pursued and for much continuing discussion.
- Renewed consideration needs to be given to how best to address the relationship between human rights and development.
- A vast range of issues relating to human rights and information technology now require attention from States, human rights and technology experts.

Some of the key challenges identified

1. In recent years, discussions on human rights within international bodies have become more difficult and participants' positions increasingly polarized. More time seems to be spent defending basic human rights language and concepts than strengthening human rights protection and addressing new challenges. Pro-human rights alliances among States and between States and all who defend human rights are not sufficiently strong to counter this difficult environment. In consequence, little more than minimal results can currently be achieved.
2. There can often be substantial gaps between words spoken in international fora and actions taken at the national level. Such a disparity is not only wrong in itself, it moreover damages credibility and provides ammunition to opponents of human rights.
3. The international institutions and mechanisms to protect human rights are weak and under-resourced. Their effectiveness and accountability are increasingly being questioned by some of those working on the ground and those most directly affected.
4. Civil space continues to shrink throughout the globe. Local voices are not sufficiently heard. New tactics, including funding freezes, are used to silence human rights defenders. Many great advances in the field of human rights began with NGOs and threats to them must be afforded immediate and serious attention.
5. The wider public does not appear to have the same faith in human rights as it once had. Too many countries have been witnessing public support for a rolling back of rights.
6. Several what were once democratic governments have become increasingly autocratic. Trust between people and their leaders has been eroding. On the international stage the issue of State sovereignty is used more often to counter multilateralism. In many cases, there has been a strong power shift from governments to corporations. States are prioritising economic interests over human rights. Trade relations and economic dependence can all too often be used to have a negative impact on the protection of human rights. Greed can be seen to win over public interest, allowing individuals to accumulate vast capital, natural resources, and data, without any accountability.
7. In parallel, the long-held notion that respect for human rights should be at the heart of development has come under sustained attack.

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8. While in many respects greatly facilitating human rights work, new technologies and information networks have also been used to encourage massive violations of human rights, particularly through widescale disinformation campaigns and massive cyber-attacks. At the same time, the digital divide has magnified already existing inequalities, disproportionately impacting the poor and elderly. International law has not kept pace, while national governments have tended to shift responsibility on these issues to tech companies.
9. Climate change is a major global challenge and a factor in increasing instability, impacting on human rights. However, the Human Rights Council recently demonstrated that it still has the ability to respond to current challenges when it adopted the resolution on the right to a clean, healthy and sustainable environment. The response to climate change, particularly from young people, is also indicative that people can be powerful in raising profile and effecting change.
10. The Covid-19 pandemic has served to magnify many of these problems, exacerbated inequalities in and between States, not least in respect of access to vaccines, had a major negative impact on education, and given rise to an increase in gender-based violence and child marriage.

Recommendations for how to respond

Among the strategies explored for how to counter these negative trends:

11. States wishing to strengthen the protection of human rights and prevent the erosion of standards should not settle for lowest common denominator solutions in international fora. NGOs should actively get behind efforts to achieve the best possible outcomes. Unfounded arguments, for example about women's rights and cultural specificities, should not go unchallenged and should be debunked with disproving evidence.
12. Within multilateral institutions, more energy should be devoted to building coalitions and forming strategic alliances. Reaching out to encourage "middle ground" countries to join efforts is of critical importance, as evidenced by certain recent examples of cross-regional, issue-specific partnerships. The potential of the G77 and the use of peer pressure should not be overlooked. States should be ready to lend their support to the initiatives of others that might not necessarily be on their own list of priorities. An appropriate division of labour can ensure there are no gaps.
13. Building greater strategic alliances will require an added degree of consistency in States' actions, as evidence of their credibility and trustworthiness. Domestic agendas should be more closely aligned with foreign policy. States might lead by example, be self-critical, less arrogant, and accept criticisms from Special Procedures and directly follow up on Universal Periodic Review (UPR) recommendations. Substantive and good faith cooperation of domestic bodies with international human rights mechanisms should be showcased. NGOs for their part could apply themselves to holding States to account in this respect.
14. As signalled by the Secretary General in A Call to Action for Human Rights, the United Nations human rights pillar needs significant reform, if it is truly to be "responsible and innovative in confronting human rights challenges."
15. While strenuously protecting standards, a reimagining of the human rights system needs to be carried out, with rights holders and victims at the heart of discussions.
16. States should first assure appropriate financing of the human rights pillar. Discussions on financing need to be de-politicized and involve human rights experts.
17. For the human rights pillar to have its proper place in UN discussions, the Security Council veto should not be allowed to be used to exclude human rights, or be removed.

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18. The participation of civil society in UN fora should be substantially increased, with NGOs being welcomed as agents who can contribute to setting the agenda. Where NGOs are unable to participate directly in policymaking, restrictions should be eased or NGOs included in national delegations. Non-traditional voices should be encouraged more.
19. Specifically in relation to the current human rights machinery:
 - To reinforce the independence of the post, the mandate of the UN High Commissioner for Human Rights could be limited to one term, possibly of six years, without the prospect of further UN appointments. The application and appointment process for the position should be made more transparent. The Office of the High Commissioner for Human Rights should not be politically constrained from publishing sensitive reports.
 - Investment in human rights mechanisms, of both financial and political capital, needs to be increased, ensuring that they are accessible, effective and responsive, as well as representative. To deter selectivity, all UN human rights mandates should be fully funded under the UN regular budget, rather than sponsored by individual States.
 - Criteria for membership of the Human Rights Council should be strengthened. Elections to the Council should be more transparent and genuinely contested, with candidatures discussed openly in New York. More rights-respecting States, including smaller countries, could be encouraged to present themselves for election. Where egregious violations of human rights occur, States might be threatened with exclusion.
 - There is a need to build and encourage a next generation of experts to stand for UN special procedures and human rights treaty bodies, rather than continuing to rely on a relatively small pool of experts.
 - While there are so many Special Procedures mandate holders, there should be more joint initiatives from them, to avoid duplication of efforts.
 - In order to be effective, issues addressed under the UPR should be more finely prioritised and targeted, informed by an understanding of local context.
 - There should be a greater emphasis within the Human Rights Council on prevention of human rights violations in addition to addressing existing situations of concern.
20. Despite years of rhetoric, a great deal remains to be done in terms of human rights education and awareness-raising and promoting a better understanding of human rights throughout the world.
 - Energy should be put into producing and communicating evidence that human rights deliver. All who work to defend human rights should strive to make the case for human rights, winning hearts and minds and dispelling notions of elitism.
 - All efforts should be made to enable an independent, pluralistic, investigative media. Misleading statements concerning human rights should always be called out. Initiatives such as NewsGuard, giving the lie to false information, should be actively supported.
 - In addition to national human rights institutions, governments, NGOs, faith leaders and businesses alike should take all opportunities for public human rights diplomacy at the national level.
 - Consideration should be given to the launch of a global human rights awareness campaign. This might usefully focus on progress on human rights and good practices, with positive stories and narratives.

- States should ensure that the subject of human rights is on school curricula, as an essential element in building the next generation.
 - Better use can and should be made of youth councils, for example, and introducing the voices of young people in human-rights related initiatives.
21. Defence of human rights needs to have the backing of a much broader community - a “bigger tent” - in which States and non-State actors can join.
- States should give stronger support to civil society and take seriously any reprisals against human rights groups, in particular ensuring in practice that trade, investment, development and military and security cooperation do not negatively impact human rights defenders.
 - International human rights NGOs should support and give voice to smaller, national and local NGOs, acting in genuine partnership with them.
 - As work throughout the pandemic has shown, participation in discussions by even the most remote groups can be relatively easily facilitated through virtual meetings, serving to democratise discussions.
 - Human rights NGOs need core funding. An ISO standard might be created for the donor/donee relationship to ensure more predictability for NGOs so that less of their time is spent on funding applications.
 - States should give more serious consideration to and participate more actively in the work of the ECOSOC Committee on NGOs, which controls accreditation within the UN system.
 - There needs to be increasing cross-fertilization and strategizing with and between the United Nations’ implementing agencies, such as UNDP, ILO and others.
 - The International Financial Institutions need to be brought back into the discussions on human rights.
 - National human rights institutions can be a significant part of solutions; better use can and should be made of them, including as a bridge between governments and civil society.
 - The visibility of regional human rights institutions needs to be bolstered.
 - The critical role of journalists, trade unionists and faith communities need to be recognised and their voices heard in discussions concerning the defence of human rights.
 - More work in relation to the promotion of human rights needs to be undertaken with and within municipalities/local authorities, who are often closest to the people.
22. The impact of global economic dependencies on respect for human rights is of growing concern and was suggested as the topic for a future conference. In the meantime:
- Corporate law needs to be reformed to show that there is a cost for non-compliance with human rights. Data/empirical evidence needs to be gathered as to the benefits to be accrued from respecting human rights.
 - Investors should use their power to promote positive change, as well as corporate compliance with human rights standards.
 - More governments need to engage with the work on the legally binding treaty to regulate in international law the activities of transnational corporations and other business enterprises, and stronger strategic alliances forged to conclude the instrument.

- Consideration should be given to human rights campaigns targeted for business.
 - A levy could be imposed on companies operating in countries outside their home base, to be used to fund civil society organisations in those countries.
 - Debt relief strategies should address human rights concerns.
 - Binding arbitration models, which have met with success in, for example, the field of sport, could be developed to be applied in human rights cases.
 - Greater consideration should be given to legislation similar to the Magnitsky Acts.
23. Further thought needs to be given, once again, on how best to address the relationship between human rights and development. Among key aspects:
- Development models that do not enjoy a human rights-based approach need to be challenged.
 - Greater importance should be attached to adherence to the International Covenant on Economic, Social and Cultural Rights. NGOs and national human rights institutions have a critical role to play in tracking and following up on national implementation of the Covenant.
 - Social advances need to be presented as delivering on human rights commitments.
 - States can usefully link development aid to UPR compliance.
24. A vast range of issues that have emerged relating to human rights and information technology remain to be appropriately addressed in discussions between States, human rights, and technology experts. In the immediate future, recommendations include:
- Rights holders should be empowered on an equal basis with accessibility to technology.
 - States should use their power to counter disinformation.
 - Overprotective defamation laws should be removed.
 - Technology companies should be more open to complaints and communications in the languages of the countries in which they operate.
 - Cyber-crime free zones could be created as a humanitarian law standard.
 - States should impose regulations in respect of the use of algorithms, which should always be wholly transparent.
 - A human rights and technology forum should be created at the UN.
 - Corporate power and digital technologies should be appropriately regulated, through mandatory human rights due diligence laws at the regional and national levels.

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