

Speech Sara BROOKS

I.

The International Service for Human Rights is an independent, non-governmental organisation that has dedicated itself over the last 35 years to supporting human rights defenders and strengthening human rights systems, ensuring that civil society can use the UN system to bring about a better future in their own countries.

When human rights defenders operate in a safe and enabling environment, they are able to contribute to peace, justice, equality and sustainability in their communities and beyond. They often choose, as part of a wide range of approaches, to engage with different parts of the UN system, and leverage the outcomes of that engagement for change at home.

Despite its weaknesses, the UN system does remain capable of creating that opportunity for change. In a range of contexts where ISHR partners to support human rights defenders – from South Korea to French Guiana, from west Africa to central America – dedicated individuals and networks play a vital role in promoting and protecting human rights, and in using the UN to do so.

On the other hand, as we've heard on this panel already, authoritarian contexts are quite different. When citizens don't have the legal or policy tools to press for reforms; when public participation is constrained or even criminalised; and when the courts can no longer guarantee an independent check on power, those who defend human rights have few avenues left at the national level to conduct their vital work. This is why the multilateral space is so important – and protecting it, so critical.

I'll focus my remarks today largely on how some governments are using limits on **participation, institutional intimidation, and re-interpretation of norms** as means of preventing the system from fulfilling its potential.

II.

One of the most worrying trends we see is the closing down of space for **civil society participation** at the United Nations. This occurs at multiple levels – but we can start with the obstacle course facing organisations who seek ECOSOC accreditation, which is an NGO's ticket into the door.

- **China** has effectively sought to censor the language used by NGOs (even on links included on the NGO webpages) in return for access to the UN.

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- **India** has adopted a similar process, posing reams of questions to organisations it has seen as acting against state interests. The Danish NGO International Dalit Solidarity Network, for example, has languished for more than a decade, diligently responding to inquiries only to find their request, once again, deferred.
- Two years ago, already accredited NGOs, including ISHR, sought to deliver a statement urging the UN Committee on NGOs to embrace principles of transparency, accountability and accessibility - the **Chinese** representative objected, joined by **Russia**, and the statement was not read.

For those human rights defenders who step through the door, who register for an event, or who send a report over email, there is another barrier – the intense campaign of intimidation, harassment and reprisals conducted by States, including those we focus on today.

- Available reports from the UN Secretary General on reprisals and intimidation covering the period from 2013 to 2018 indicate that **China** has consistently been among the worst violators. The cases range from low-level harassment to travel bans, detentions, criminal prosecutions and worse.
- The UN Secretary General and Special Procedures have consistently highlighted cases of reprisals in **Egypt**. Some individuals who engaged with Egypt's UPR in 2014 remain banned from travelling six years later, and could face charges of up to 25 years imprisonment.

The objective of these policies and practices of authoritarian governments is to ensure that the 'outside world', including the UN, does not have information on human rights abuses in their countries, thus shielding themselves from accountability. We appreciate the BENELUX countries and Germany who have set a model by calling for accountability for individual victims of reprisals during debates at the Human Rights Council, increasing the political costs of reprisals.

III.

An additional concern is the challenge to the independence and resources that allows the UN human rights systems to function. The same governments focused on silencing their critics also have a clear interest in limiting the role of external independent scrutiny, and have shown that they are willing to use not only the power of persuasion, but the power of the purse.

- In June 2018, the **Chinese** ambassador delivered a joint statement at the Human Rights Council that pronounced much of the OHCHR's work to be "unacceptable or dissatisfactory". The statement called for changes to the working methods of the High Commissioner and his Office that centred concerns of sovereignty and targeted engagement with civil society

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- This challenge came with teeth. Frustration with then-High Commissioner Zeid had already led **China and Russia, among others**, to torpedo an OHCHR reorganisation plan, and to block the High Commissioner from briefing the Security Council.

In carrying out their mandate, staff in the UN and independent experts have occasionally reported insistent outreach, gentle warnings, and in at least one case a clear threat due to their public statements and engagement with NGOs.

- Immediately following a public press release on Hong Kong by some UN Special Procedures mandateholders, in September 2019, the **Chinese** delegation threatened to move forward a draft resolution that would have sought to constrain their independence and tighten screws on the existing code of conduct for mandateholders.

And the warnings are not merely verbal. A series of high-profile attacks on human rights funding in the UN's budgetary committee over the last year are indicative:

- **China and Russia** proposed line-by-line deletions to UN peacekeeping and political mission budgets, targeting human rights officer positions, and have sought to increase scrutiny on how OHCHR uses its extrabudgetary funds
- **China and the G77** have suggested that staff supporting civil society in Geneva should be decreased and that access by non-accredited NGOs and individuals should be limited.
- The future of the IIIM in Syria and the IIMM in Myanmar – both of which were major EU priorities, and are widely-recognised for their role in seeking accountability for grave violations – have been called into question by proposals from **China, Russia, Burundi and Iran, not to mention the countries concerned**, to eliminate funding and staff for their work.

Faced with this muscular pushback, UN agencies and officials may respond with conservatism, caution or even self-censorship. This creates challenges for civil society. But it is important to recognize the context within which these institutions operate, and that – like member states – they can better speak out when they are supported.

IV.

Finally, some long-term and more abstract challenges to the UN arise from efforts at reinterpretation of consensus concepts of human rights and the agreed mechanisms for addressing them.

- The Vienna Declaration and Programme of Action, a seminal document from 1993, adopts an approach that emphasizes that all human rights are 'universal, indivisible, interdependent and interrelated'.

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- In 2013-2015, the **Russian** government worked to build a line of Council work on 'traditional values' and 'the protection of the family'. These may have seemed innocuous on paper, but were dog-whistles for conservative views that deny full protection of the right to equality and non-discrimination, especially regarding women and LGBTI individuals.
- More recently, the **Chinese** government has undertaken efforts to delete specific terminology, including the term 'human rights defenders' itself, from UN resolutions. This was rightly seen as an effort to undermine the legitimacy of lawyers and advocates within the country.
- In large part due to consistent pushback from a broad, cross-regional group who support the Vienna Declaration in practice and spirit, and who recognize the key role of defenders, both initiatives failed.
- The most recent case is a resolution adopted in 2018, and which we expect to see **China** present at the Council session next month, on 'win-win cooperation'. The initiative presents a worrying view on how cooperation in human rights should benefit, first and foremost, states (not rightsholders); how constructive dialogue is an end in itself (not a means by which we create more rights respecting societies); and how the Human Rights Council's work should be re-balanced towards dialogue and cooperation – and by extension, away from its critical monitoring and reporting mandate.

V.

I've focused on three areas where we see contention at the UN – both challenges from authoritarian states that undermine human rights, but also efforts to support the human rights system.

The EU should craft an effective strategy for how to use UN spaces to both confront authoritarian governments about their domestic rights records, and to effectively respond to initiatives that would make it harder for the international human rights system to monitor, document and account for violations.

If the EU can increase space for civil society at the UN; take concrete steps to reinforce the important role of human rights experts; and present a positive and credible vision of universality that garners wide support among its allies globally, the system put in place post-1945 will stand a better chance. During Q&A, I'm happy to address some specific recommendations to the EU, Member States, and Parliament across each of the areas I've discussed.

The next EU Action Plan on Human Rights and Democracy could be a valuable means of establishing this strategy, and clearly identifying commitments for work on 'multilateralism and a rules-based order' that are measurable and contribute to change on the ground.

I'd like to conclude that this is not just about maintaining a system for its own sake. By protecting and strengthening the UN human rights system, we reinforce one of the important tools that citizens in authoritarian States have to try to change their governments' practices,

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improve respect for human rights, defend their communities and assert their dignity and humanity.

That is our ultimate goal.